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THE

LAWS OF WISCONSIN,

TOGETHER WITH THE

JOINT RESOLUTIONS AND MEMORIALS

PASSED AT THE

TWENTY-EIGHTH ANNUAL SESSION OF THE WISCONSIN LEGISLATURE,

IN THE YEAR 1875.

By Authority.

MADISON, WIS.:
E. B. BOLENS, STATE PRINTER.
1875.

LIST OF MEMBERS AND OFFICERS.

"Section 1. * * * There shall be prefixed to each volume of the laws hereafter published, the names and residences of the several state officers, the senators and members of the assembly, and the presiding officers and clerks of both branches of the legislature, at the time of the passage of such laws."—*General Laws of 1854, Chapter 94.*

NAMES AND RESIDENCES

OF THE STATE OFFICERS, SENATORS, MEMBERS OF THE ASSEMBLY, PRESIDING OFFICERS AND CLERKS OF BOTH BRANCHES OF THE LEGISLATURE, IN OFFICE AT THE TIME OF THE PASSAGE OF THE LAWS CONTAINED IN THIS VOLUME.

Name.	Office.	Residence.	
		Post-Office.	County.
William R. Taylor.....	Governor	Cottage Grove....	Dane.
Charles D. Parker.....	Lt. Governor.....	Pleasant Valley...	St. Croix.
Peter Doyle.....	Secretary of State...	Prairie du Chien..	Crawford.
Ferdinand Kuehn.....	State Treasurer.....	Milwaukee	Milwaukee.
A. Scott Sloan.....	Attorney General...	Beaver Dam	Dodge.
Edward Searing.... ...	State Superintendent.	Milton.....	Rock.
Martin J. Argard	Com. of Immigration	Eau Claire	Eau Claire.
DIST.			
5. Baker, Robert H....	Senator	Racine	Racine.
27. Barden, Levi W....	.... do	Portage.....	Columbia.
13. Barney, John A....	.... do	Mayville.....	Dodge.
24. Barron, Henry D...	.... do	St. Croix Falls....	Polk.
6. Black, John.....	.... do	Milwaukee	Milwaukee.
4. Bleekman, Adelb't E	.... do	Tomah	Monroe.
7. Bryant, George E..	.... do	Madison.	Dane.
11. Campbell, Francis..	.... do	Gratiot	La Fayette.
17. Davis, Horatio N...	.... do	Beloit	Rock.
26. Davis, Romanzo E.	.... do	Middleton.....	Dane.
1. Eastman, Enos.....	.... do	Plymouth.....	Sheboygan.
32. Field, Robert C....	.... do	Osseo.....	Trempealeau.
30. Graham, Hiram P..	.... do	Eau Claire	Eau Claire.
18. Hiner, William H..	.... do	Fond du Lac	Fond du Lac.

Name.	Office.	Residence.	
		Post-Office.	County.
16. Holloway, John C..	Senator.....	Lancaster.....	Grant.
3. Jacobs, W. H.....	....do.....	Milwaukee.....	Milwaukee.
28. Krouskop, George..	....do.....	Richland Center..	Richland.
9. McFarland, David..	....do.....	Highland.....	Iowa.
12. Moore, Harvey T...	....do.....	Brodhead.....	Green.
31. Nevins, S. L.....	....do.....	La Crosse.....	La Crosse.
25. Potter, R. L. D....	....do.....	Wautoma.....	Waushara.
14. Quimby, John B...	....do.....	Sauk City.....	Sauk.
2. Read, John M	....do.....	Kewaunee.....	Kewaunee.
23. Reed, William W..	....do.....	Jefferson.....	Jefferson.
10. Rice, John A.....	....do.....	Merton.....	Waukesha.
19. Rounds, William P.	....do.....	Menasha.....	Winnebago.
22. Schlichting, Reinh'd	....do.....	Chilton.....	Calumet.
15. Schuette, John.....	....do.....	Manitowoc.....	Manitowoc.
29. Scott, Thomas B....	....do.....	Grand Rapids....	Wood.
21. Silverthorn, Willis C.	....do.....	Wausau.....	Marathon.
20. Wagner, Joseph....	....do.....	Calvary.....	Fond du Lac.
8. Weeks, Thomp. D..	....do.....	Whitewater.....	Walworth.
33. Wilmot, J. Gilead..	....do.....	West Bend.....	Washington.
Abrams, Delos	Member of Assembly.	Bloomington	Grant.
Adams, Isaac.....	....do.....	Door Creek	Dane.
Anderson, John.....	....do.....	Apple River.....	Jo Davies, Ill.
Anderson, Ole.....	....do.....	Esofea	Vernon.
Bachhuber, Max.....	....do.....	Farmersville	Dodge.
Baker, Thomas	....do.....	Prairie du Sac....	Sauk.
Barber, Silas	....do.....	Waukesha.....	Waukesha.
Barden, Marcus.....	....do.....	Pardeeville.....	Columbia.
Barlass, Andrew.....	....do.....	Emerald Grove...	Rock.
Beach, Zenas.....	....do.....	Eastman	Crawford.
Bliss, Charles F.....	....do.....	Racine.....	Racine.
Boyden, Philo Q.....	....do.....	Hudson.....	St. Croix.
Bradley, John.....	....do.....	Bangor	La Crosse.
Bunker, Nathaniel M...	....do.....	Troy Center.....	Walworth.
Burdick, Zebulon P....	....do.....	Janesville.....	Rock.
Calkins, George H.....	....do.....	Waupaca.....	Waupaca.
Callahan, Jonathan G..	....do.....	Eau Claire.....	Eau Claire.
Caskey, La Fayette	....do.....	Potosi.....	Grant.
Chase, Leroy S.....	....do.....	Oshkosh	Winnebago.
Coates, Ben M.....	....do.....	Boscobel.....	Grant.
Coates, Kearton.....	....do.....	Linden	Iowa.
Coleman, David M.....	....do.....	Lowell.....	Dodge.
Comstock, Noah D.....	....do.....	Arcadia.....	Trempealeau.
Crosby, Geo. H.....	....do.....	Beloit	Rock.
Dakin, William H.....	....do.....	Dartford	Green Lake.
Deniston, Chas R.....	....do.....	Cadiz.....	Green.
Dewhurst, Richard.....	....do.....	Neillsville	Clark.
Dunlap, Chas.....	....do.....	Elkhorn.....	Walworth.
Dwinnell, John B.....	....do.....	Lodi	Columbia.
Ellsworth, Lemuel.....	....do.....	Milwaukee	Milwaukee.
Fagg, Peter.....	....do.....	Milwaukee	Milwaukee.
Farnsworth, Nath'l C...	....do.....	Sheboygan Falls..	Sheboygan.
Fifield, Sam. S.....	....do.....	Ashland	Ashland.
Fisk, Wm. J.....	....do.....	Fort Howard.....	Brown.
Flint, Rock J.....	....do.....	Menominee	Dunn.
Ford, David.....	....do.....	Waunakee	Dane.
Geraughty, P.....	....do.....	Elkhart Lake.....	Sheboygan.
Gœtze, Gustav.....	....do.....	Ozaukee	Ozaukee.

Name.	Office.	Residence.	
		Post-Office.	County.
Grant, Job N	Member of Assembly.	Union Center	Juneau.
Grube, Herman	do	Watertown	Jefferson.
Guernsey, Geo. H	do	Almond	Portage.
Halbert, Thos. L	do	Chippewa Falls	Chippewa.
Harrison, S. A	do	Milwaukee	Milwaukee.
Harsch, John	do	Stockbridge	Calumet.
Hobbins, Patrick	do	Morrison	Brown.
Hodgson, Manville S	do	Waukesha	Waukesha.
Horn, F. W. Speaker	do	Cedarburg	Ozaukee.
Hudd, Thos. R	do	Green Bay	Brown.
Hunter, George	do	Fond du Lac	Fond du Lac.
Jackson, Wm. W	do	Tomah	Monroe.
James, Norman L	do	Richland Center	Richland.
Jeffrey, J	do	Georgetown	Grant.
Johnson, Michael	do	Mount Vernon	Dane.
Jones, Owen R	do	Beaver Dam	Dodge.
Kellogg, Austin	do	Concord	Jefferson.
Kershaw, Wm. J	do	Milwaukee	Milwaukee.
King, Owen	do	Helena	Iowa.
Larkin, Chas. H	do	Milwaukee	Milwaukee.
Leach, Frank	do	Oshkosh	Winnebago.
Lees, Edward	do	Fountain City	Buffalo.
Leigh, John	do	Oconto	Oconto.
Lloyd, John	do	Clyman	Dodge.
Lorigan, B. S	do	Maple Grove	Manitowoc.
Marshall, George M	do	Big Spring	Adams.
Martin, Andrew	do	Reeseville	Washington.
Mayer, Chris	do	Watertown	Jefferson.
Merrill, H	do	Janesville	Rock.
Mitchell, Robert	do	Douglas Center	Marquette.
Morse, Wm. M	do	Rubicon	Dodge.
Moscowitt, Fredrick	do	Milwaukee	Milwaukee.
Naber, Herman	do	Shawano	Shawano.
Nelson, Thos. L	do	Prescott	Pierce.
Newell, James E	do	Viroqua	Vernon.
O'Neill, Thomas	do	Milwaukee	Milwaukee.
Osborn, Marion	do	Magnolia	Rock.
Ostrander, Jas. W	do	Jefferson	Jefferson.
Pinney, Silas U	do	Madison	Dane.
Plocker, Wm. M	do	Fairwater	Fond du Lac.
Richards, Daniel H	do	Milwaukee	Milwaukee.
Richmond, Geo. N	do	Appleton	Outagamie.
Ringle, Bartholomew	do	Wausau	Marathon.
Robinson, Nath. S	do	Neenah	Winnebago.
Rogers, Asa	do	Oshkosh	Winnebago.
Rowlands, John R	do	Cambridge	Columbia.
Schlichting, Bernhard	do	Milwaukee	Milwaukee.
Schmitz, Fred	do	Northeim	Manitowoc.
Schneider, Philip	do	Barton	Washington.
Scofield, Chas	do	Red River	Kewaunee.
Serwe, Michael	do	Ashford	Kenosha.
Sharp, Elijah M	do	Delavan	Walworth.
Simmons, Rouse	do	Kenosha	Kenosha.
Smart, Ruben D	do	Manitowoc	Manitowoc.
Thomas, John H	do	Berlin City	Green Lake.
Washburn, Benjamin F	do	Excelsior	Richland.
Waste, Eli	do	Sparta	Monroe.
Wedig, Joseph	do	Sheboygan	Sheboygan.

Name.	Office.	Residence.	
		Post-Office.	County.
Welch, David E.....	Member of Assembly.	Baraboo.....	Sauk.
White, Elias N.....	.... do	Burlington.....	Racine.
Van Schaick, I. W.....	.... do	Milwaukee	Milwaukee.
Zetteler, Frederick T...	.... do	Milwaukee	Milwaukee.
Charles D. Parker.....	Lt.-Gv. and Pres. Sen.	Pleasant Valley...	St. Croix.
Henry D. Barron.....	Pres. Senate, *pro tem*..	St. Croix Falls....	Polk.
Fred W. Horn.....	Speaker of Assembly.	Cedarburg.....	Ozaukee.
Fred A. Dennett.....	Chief Clerk of Senate.	Beloit.....	Rock.
Thos. B. Reid.....	Asst. Clerk of Senate.	Menasha.....	Winnebago.
R. M. Strong.....	Chief Clerk Assembly	Baraboo.....	Sauk.
C. D Long	Asst. Clerk Assembly	Darien.....	Walworth.

NOTE.—Where a superfluous word has been found in the enrolled bill, it has been printed in the text, but in italics, and enclosed in parenthesis, (*thus*). Where a word has been found necessary to sustain the sense of the context, or where one word has been obviously mistaken for another, the word supposed to be proper has been supplied, but in brackets, [thus]

LAWS OF WISCONSIN.

CHAPTER 1.

[*Published January* 27, 1875.]

AN ACT to authorize the city of Appleton to fund its corporate indebtedness.

The people of the state of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. The mayor and common council of the city of Appleton, shall have power and are hereby authorized to fund the corporate indebtedness of said city, and for that purpose to issue the bonds of said city to an amount not exceeding ten thousand dollars principal, with interest-coupons annexed, of a sufficient amount to equal all interest that may accrue on said bonds. **Common council may issue bonds.**

SECTION 2. The bonds herein provided for, shall be issued in amounts of not less than one hundred dollars, nor more than one thousand dollars each, of principal at seven per cent. per annum, interest payable on the first day of February, 1876, at the office of the city treasurer. **Denominations of bonds.** **Rate of interest.**

SECTION 3. For the payment of the bonds herein authorized, the mayor and common council of said city are authorized and required, at the next annual levy of taxes, to levy and assess upon the taxable property of said city, a tax of sufficient amount to pay the whole amount of said bonds, and the interest thereon. **May levy tax**

SECTION 4. All taxes hereinbefore provided for, when collected, shall be exclusively appropriated for the payment of said bonds and interest-coupons, and shall not be used for any other purpose whatever. **Taxes to be applied to payment of bonds.**

SECTION 5. All acts and parts of acts conflicting with the provisions of this act, are hereby repealed.

SECTION 6. This act shall take effect and be in force from and after its passage.

Approved January 26, 1875.

CHAPTER 2.

[*Published February 2, 1875.*]

AN ACT to amend section one, of chapter 179, of the private and local laws of 1867, entitled, "An act to incorporate the Prairie du Chien German School Society."

The people of the state of Wisconsin, represented in Senate and Assembly, do enact as follows:

Amending ch. 179 P. & L. L. 1867.

SECTION 1. Section 1, of said chapter 179, of the private and local laws of 1867, is hereby amended by striking out of the fifth line of said section the word "school," and inserting in lieu thereof the words, "and English Academy."

SECTION 2. This act shall take effect and be in force from and after its passage.

Approved January 30, 1875.

CHAPTER 3.

[*Published February 2, 1875.*]

AN ACT to amend section one, of chapter 146, general laws of 1874, entitled, "An act to authorize the county of Burnett to issue bonds to aid in the construction of a court-house."

The people of the state of Wisconsin, represented in Senate and Assembly, do enact as follows:

Amending ch. 146, G. L. 1874.

SECTION 1. Section one, of chapter 146, of the general laws of 1874, is hereby amended by striking out the word "seven," where it occurs in the seventh line of said section, and inserting in lieu thereof the word "ten," so that the section shall read as follows: Section 1. It shall be lawful for the board of supervisors

of the county of Burnett to issue and negotiate the coupon bonds of said county to the amount of five thousand dollars, in denominations of not less than one hundred dollars each, payable ten years after date, at the county-seat of said county, with interest at ten per cent. per annum, and the proceeds or avails of said bonds to expend in the construction of a county court-house, at the town of Grantsburg.

County of Burnett may issue bonds to aid in construction of court house.

SECTION 2. This act shall take effect and be in force from and after its passage.

Approved January 30, 1875.

CHAPTER 4.

[*Published February* 2, 1875.]

AN ACT to appropriate a sum of money therein named to the Wisconsin Institution for the Education of the Blind, for the purpose of paying and satisfying the indebtedness of said Institution, incurred by reason of the destruction of its main building, apparatus, furniture, provisions, and property, by fire.

The people of the state of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. There is hereby appropriated out of any money in the state treasury, not otherwise appropriated, the sum of four thousand dollars, for the purpose of paying and satisfying the indebtedness of the Wisconsin Institution for the Education of the Blind, incurred by reason of the destruction of its main building, apparatus, furniture, bedding, provisions, and property, by fire, in April last.

Appropriation to Wis. Institute for Blind.

SECTION 2. The sum above mentioned may be immediately drawn from the treasury, and used for the purpose aforesaid.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved January 30, 1875.

CHAPTER 5.

[*Published February* 6, 1875.]

AN ACT to amend sections 27 and 28, of chapter 151, of the general laws of 1869, entitled, "An act to codify the laws relating to normal schools, and to amend chapter 94, of the general laws of 1859, and chapter 116, of the general laws of 1866."

The people of the state of Wisconsin, represented in Senate and Assembly, do enact as follows:

Amending sec. 27, ch. 151, G. L. 1869.

SECTION 1. Section 27, of chapter 151, of the general laws of 1869, entitled, "an act to codify the laws relating to normal schools, and to amend chapter 94, of the general laws of 1859, and chapter 116, of the general laws of 1866," is hereby amended so as to read as follows: The said "board of regents of normal schools," shall have power and authority to demand and receive the sum or sums of money donated and subscribed by any persons, or any town, incorporated village, city or county of this state, to aid in the erection of the necessary buildings for normal schools, in such manner as said board may prescribe, and apply the same to the erection and completion of the required buildings, the purchase of the necessary books, apparatus, furniture and fixtures, and for various other incidental expenses to be incurred by said board, in pursuance of the provisions of this act; and if any surplus shall remain, to apply the same to the expenses of conducting said normal schools, and any deficit which may arise in the erection, completion, repairs, alterations or enlargement of said buildings and purchases aforesaid, shall be [paid] out of the income of the normal school fund. Such sum shall be paid by the state treasurer, from time to time, on the warrant of the secretary of state, to be drawn in pursuance of the certificate of the secretary of the board, and countersigned by the president, and such other evidence as the secretary of state shall require; and no such certificate shall be issued until the sum or sums donated and subscribed by any person or town, incorporated village, city or county, to aid in the erection of a normal school building, shall have been paid in full into the state treasury, nor until work shall be done or services rendered, or buildings erected, or fixtures or furniture purchased, for a normal school, under the direction of the board of regents

Boards of Regents may demand money donated in certain cases.

How may apply the same.

How money shall be paid.

No certificate to be issued until sums subscribed have been paid and services rendered.

of normal schools, entitling the applicant to such certificate, according to a contract or agreement with said board for that purpose. No member of the board of normal regents shall receive any pay for traveling to or attendance at any meeting of the board, but for any specific service rendered under the direction of the board, other than attending the meetings thereof, such compensation may be allowed any member as the board shall deem just and reasonable, and such compensation, and all moneys actually and necessarily expended by any member in traveling, attending meetings or performing any other duty or service directed to be performed, shall be paid or refunded to him, on duly authenticated accounts presented to and audited by the board, and the amount thus audited shall be drawn from the state treasury only on the warrant of the secretary of state in pursuance of the certificate of the board, signed by the president and secretary thereof. The board of regents may advertise for proposals to erect, repair or enlarge any normal school building, reserving the right to reject any and all proposals made in the pursuance of such advertisements, and the expense of such advertising, and procuring plans and specifications for buildings, or for the repair, or alteration of or additions to any buildings to be used for normal schools, shall be paid in the same manner from the normal school income fund as hereinbefore provided for the expenses incurred in the erection of normal school buildings.

Compensation of members of Board of Regents.

How shall be paid.

May advertise for proposals.

SECTION 2. Section 28, of said chapter 151, laws of 1869, is hereby amended, so as to read as follows: State normal schools shall be established and continued at such places as the board of regents of normal schools may designate, upon sites selected by said board, the exclusive purposes of which shall be the instruction and training of persons, both male and female, in the theory and art of teaching, and in all the various branches that pertain to a good common school education and [in] all subjects needful to qualify for teaching in the public schools of the State; also to give instruction in agriculture, chemistry, in the arts of husbandry, the mechanic arts, the fundamental laws of the United States and this State, and in what regards the rights and duties of citizens.

Amending sec. 28, ch. 151 G. L. 1869.

When State Normal schools may be established.

For what purpose.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved February 4, 1875.

CHAPTER 6.

[*Published February* 6, 1875.]

AN ACT relating to the Wisconsin Central Railroad, and amendatory of sections three and eight, of chapter three hundred and sixty-two, of the private and local laws of 1866, entitled, "An act to incorporate the Portage and Superior Railroad Company and to execute the trust created by an act of Congress, entitled 'An act granting lands to aid in the construction of certain railroads in the State of Wisconsin,'" approved May 5, 1864—approved April 9, 1866.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Amending ch. 362 P. & L. L. 1866.

Portage and Superior Railway Co. to construct a road from Portage to Stevens Point, and thence to Bayfield and Superior.

SECTION 1. Section three (3), of chapter three hundred and sixty-two (362), of the private and local laws of 1866, entitled "An act to incorporate the Portage and Superior Railroad Company, and to execute the trust created by an act of Congress, entitled "An act granting lands to aid in the construction of certain railroads in the State of Wisconsin—approved May 5, 1864—approved April 9, 1866—is hereby amended so as to read as follows: Section 3. The company hereby created is authorized and required to locate and construct the line of road authorized by this act to be constructed from the said city of Portage, in Columbia county, to Stevens Point, in Portage county, on the most direct feasible route, and thence to Bayfield and to Superior, on Lake Superior."

Manner of construction.

SECTION 2. Section eight (8), of said chapter three hundred and sixty-two (362), is hereby amended so as to read as follows: Section 8. The company hereby created shall commence the construction of its railroad at the aforesaid city of Portage, and for the purpose of estimating the amount of lands to which said company may be entitled on account of building such road, the said city of Portage shall be deemed the point of commencement, and the company shall be entitled to land in the manner specified by the act of Congress, and as herein provided, as the road progresses from the said city of Portage, but in no other manner; *provided, however*, That when the Wisconsin Central Railroad Company, either by itself or its assigns, shall complete twenty consecutive miles of road south from Stevens point, or twenty consecutive miles north from Portage, it shall be the duty of the

Governor of this state to issue a certificate of that fact, and the company shall be entitled to the lands properly applicable to such section of twenty miles of road; and to receive the lands accruing on any other section of its road then completed north of Stevens Point, in accordance with the agreement or stipulation entered into between said Wisconsin Central Railroad Company and the Secretary of the Interior; and when it shall have built a second section of twenty consecutive miles of road, either south from Stevens Point, or twenty consecutive miles north from Portage, it shall be entitled to receive the lands properly applicable to that section of twenty miles, and to receive the lands accruing on any other section of twenty miles then completed north of Stevens Point; and it shall be the duty of the Governor of this state to certify to the completion of this second section between Portage and Stevens Point, when it shall have been thus completed. And when it shall have completed a third section of twenty consecutive miles between Stevens Point and Portage, so as aforesaid, it shall be entitled to the lands properly applicable to such section, and to receive the lands accruing on any other section of twenty miles north of Stevens Point then completed, and the Governor shall certify to the completion of this third section when so completed. And when it shall have completed a fourth section of twenty consecutive miles, or the remaining portion of the line between Stevens Point and Portage, it shall be entitled to the lands properly accruing to said fourth section, and to receive the lands accruing on all the sections of its road then completed or as they may be thereafter completed. And the Governor shall certify to the completion of this fourth section when so completed, and also to the completion of each and every section of twenty consecutive miles when completed and as provided by law.

Governor to issue certificates.

SECTION 3. When the said railroad or any part thereof, between Portage City and Stevens Point, shall be constructed and the Chicago and Superior Railroad Company shall have constructed a road between Grand Rapids and some point intersecting said line between Portage City and Stevens Point, then the Chicago and Superior Railroad Company shall have the right to run its trains over said road between said point of intersection and Portage City; and the Wisconsin Central Railroad company shall have the right to run its trains over the road between

Rights of other railroads to run trains.

said point of intersection and Grand Rapids, under such reasonable regulations and upon paying such reasonable compensation as may be just and equitable. And if the said two railroad companies cannot agree as to the regulations under which each and both of said companies shall run its trains over the road of the other and as to the compensation which shall (*shall*) be paid therefor, then the Railroad Commissioners of the state or such other parties as may be mutually agreed upon, shall make such regulations and fix such compensation therefor, as they shall ,after hearing the proofs and allegations of said parties, deem just and reasonable, and both of said companies shall be bound by such regulations and compensation so fixed.

Compensations.

Meaning of act.

SECTION 4. It is hereby declaired to be the true intent and meaning of this act to allow the Wisconsin Central Railroad Company to build its line of road between Portage and Stevens Point on the most direct and feasible route, and to receive the balance of the land grant conferred upon said company when it shall have earned it by so building the road between Portage and Stevens Point, and to ratify and confirm the stipulation entered into between the Secretary of the Interior and the Wisconsin Central Railroad Company by Gardner Colby, its President, on the 24th and 25th days of March, 1874, as far as possible.

SECTION 5. All acts and parts of acts conflicting with the provisions of this act are hereby repealed.

SECTION 6. This act shall take effect from and after its passage and publication.

Approved February 10, 1875.

CHAPTER 7.

[*Published February* 15, 1875.]

AN ACT to legalize the official acts of Alfred Taggart, a Notary Public in the county of Rock.

The people of the state of Wisconsin, represented in Senate and Assembly, do enact as follows:

Acts legalized.

SECTION 1. Alfred Taggart having been duly com-

missioned by the Governor of the state of Wisconsin as a notary public, in and for the state of Wisconsin, to reside in Rock county, by commission bearing date the 13th day of September, A. D. 1871, and which expired on the 13th day of September, A. D. 1873, and having by mistake continued to act as such notaty public until the 1st day of January, A. D. 1874, believing his said commission had not expired, all of the official acts, of the said Alfred Taggart as notary public from September 13th, 1873, to January 1st, 1874, are hereby legalized and made [as] valid to all intents and purposes, as though said Alfred Taggart had been duly appointed and commissioned as such notary public during said time.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved February 12, 1875.

CHAPTER 8.

[*Published February* 15, 1875.]

AN ACT to legalize the official acts of R. Tattreshall, a Notary Public, residing at the city of Beloit, in the county of Rock.

The people of the state of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. The official acts of R. Tattreshall, a Notary Public, residing in the city of Beloit, in the county of Rock, done in the misapprehension of the expiration of his commission as a Notary public, between the tenth day of February and the thirteenth day of March, 1874, the day of the expiration of the notarial commission, dated February 10th, 1872, and the commencement of the term of new notarial appointment, dated the 13th day of March, 1874, are hereby declared to be as legal and effective, to all intents and purposes, as if the same had been done within the legal life-time of his said herein above mentioned notarial appointment, and under, and by virtue of his said notarial commissions, or either of them. Acts legalized.

SECTION 2. This act shall take effect from and after its passage.

Approved February 12, 1875.

CHAPTER 9.

[*Published February* 15, 1875.]

AN ACT to establish a court in Brown county with limited civil and criminal jurisdiction in certain cases.

The people of the state of Wisconsin, represented in Senate and Assembly, do enact as follows.

Court established.

SECTION 1. There is hereby established a court in and for the county of Brown, having the jurisdiction and subject to the limitations hereinafter prescribed, to be styled "The second county court for Brown county."

Jurisdiction conferred.

SECTION 2. There is hereby conferred upon the court hereby established, jurisdiction in all civil actions when the amount in controversy shall not exceed five thousand dollars, both as to matters of law and equity equal to and commensurate with the circuit courts of this state, and also exclusive appellate jurisdiction in all cases of appeal from justices of the peace; *provided, however*, that nothing herein contained shall be construed to confer criminal jurisdiction on said court, except as hereinafter provided.

For determining amount in controversy.

SECTION 3. For the purpose of determining whether the amount in controversy does or does not exceed said sum of five thousand dollars, the complaint in any action in said court must allege that said amount does not exceed said sum, and unless the answer denies such allegation, and alleges that the said amount exceeds said sum, the objection to the jurisdiction on account of the said amount exceeding said sum, shall be deemed waived, and the court shall retain jurisdiction of the action; but if the answer denies such allegation and alleges that said amount exceeds said sum, the court shall determine the question of jurisdiction from the evidence and pleadings in the cause, and if the court finds the amount in controversy to exceed said sum of five thousand dollars, the action shall be dismissed; *provided, however*, that the amount in controversy as hereinbefore limited shall be determined from the issues formed by the complaint and the allegations contained in the answer not constituting a counter-claim and the evidence pertaining to said issues, and shall not depend upon the matters set up in the answer by way of counter-claim or the

Counter-claim.

evidence thereunder; *provided, further*, that no counter-claim shall be interposed in any action in said court in which the relief demanded shall exceed the sum of thirty thousand dollars.

Jurors.

SECTION 4. A panel of jurors for each term of said court shall be drawn in the same manner as now is, or hereafter shall be, provided by law for circuit courts, and the persons serving on such panels of jurors shall be paid at the same rate and in the same manner as is now, or hereafter shall be, provided by law for the payment of jurors in the said circuit courts, and jurors for the trial of issues shall be drawn, impanneled and sworn in the same manner as in the circuit courts of this state; and said court shall have, exercise and use the same process for summoning such jurors as is now or may hereafter by law be used by the circuit courts of this state.

Term, when and where to be held.

SECTION 5. The regular jury terms of the said court hereby established shall be held in the court house in the city of Green Bay, in said county, on the third Monday of January, the first Monday of May, and the second Monday of November, in each year, and the jurors for each of said terms shall be summoned for the second Monday of each term.

Powers of judge.

SECTION 6. The judge of said court shall have the same power to hold special adjourned terms of his court, as is now or hereafter may be conferred upon the circuit courts of this state, and the said court hereby established shall have the same power to issue special venires, and to summon talesmen to serve upon juries therein as is now or hereafter may be conferred upon the said circuit courts of this state.

Clerk of court.

SECTION 7. The clerk of the circuit court shall be the clerk of the court hereby established, and shall have the custody and care of all the books and papers belonging to the court; shall be present at all trials if required by the judge; may swear all the witnesses and jurors on the trial of a cause; shall keep minutes of all the proceedings, and enter the judgments of the court under the direction of the judge; shall issue all process under his hand, and the seal of the court (signing himself "clerk of the county court") except where otherwise provided for by law: and shall tax all costs, and shall receive the same fees and compensation as clerks of the circuit courts. *Provided*, That in case of his inability to discharge his duties by reason of sickness or absence, his deputies

may perform the same, or the court may employ some person in his place.

Election of judge.

SECTION 8. There shall be elected on the first Tuesday of April next, and every six years thereafter, by the qualified electors of the county of Brown, a judge of said court hereby established for said county who shall possess the qualification of having been admitted to practice in the supreme court of this state, and whose term of office shall be six years from and after the first day of January next after his election. *Provided*, That the term of service of the judge first to be elected shall commence on the first Monday of May next. Said election shall be conducted and canvassed, and the said judge shall qualify and receive his certificate in the same manner as in the case of the election of county judge. The judge thus to be elected shall be judge of the court established by this act, and whenever a vacancy shall occur in the office of the county judge, now in office as judge of probate in said county, the business then pending in the county court of said county shall be transferred to the court established by this act which shall become and be known as the county court of Brown county, and thereafter the said county court shall have the same jurisdiction to hear, try, and determine all matters of probate as is or shall be possessed and exercised by county judges, or county courts under the laws of this State, and the seal thereof shall be changed by omission of the word "second" therefrom.

Salary of judge.

SECTION 9. The county judge to be elected in pursuance of the provisions of this act, shall receive a salary of not less than three thousand dollars per annum, and whenever the duties of probate judge shall be transferred to the court established by this act, as provided in the eighth section thereof, the county judge shall thereafter receive a salary of thirty-five hundred dollars per annum. The board of supervisors of said county shall annually levy upon the taxable property of said county a special tax to be paid in cash sufficient, with the state tax on actions, to pay the salary of said judge. Out of the first or any moneys coming into the county treasury after the payment of the state tax levied in said county in each year, the county treasurer shall retain the amount of the salary of said judge, and shall pay the same to said judge in equal monthly installments on the 1st Monday of each month, upon the presentation to said treasurer of

a receipt therefor; *provided, however*, that said state tax on actions when collected and paid to the county treasurer, as now required by law, shall be retained by him and applied toward the payment of the salary of said judge.

Powers and duties of court.

SECTION 10. The said court shall be a court of record, and all the general provisions of the statutes of Wisconsin, now existing or hereafter enacted, relating to the powers and duties of courts of record, and to the process, pleadings, practice, trials, judgements and proceedings of every nature in actions in the circuit courts of this state, including the issuing and enforcement of executions and proceedings supplementary to execution, and all such provisions relating to costs and fees, and all the rules of practice of said circuit courts, shall apply to the court hereby established, so far as the same are not inconsistent with any provision respecting said court and the proceedings and practice therein in this chapter contained; *provided, however*, the court hereby created shall have power to make and enforce such rules for the conduct and despatch of the business of said court as may be deemed necessary.

Of judgments rendered.

Docketing same.

SECTION 11. On filing a judgment roll upon a judgment hereafter rendered in the court hereby established directing in whole or in part the payment of money, the same may be docketed with the clerk of the said court, and may be docketed in any other county upon filing with the clerk of the circuit court of such other county a copy of the original "docket," and the same shall be a lien upon real property in the county where it is docketed with the same force and effect as if rendered in any circuit court of this state and docketed according to the provisions of the laws of this state now existing or hereinafter enacted relating to the entering or docketing of judgments in the circuit courts or transcripts thereof; and all provisions of law now existing or hereinafter enacted in regard to the duties of the clerks of the circuit court in docketing judgments rendered in the circuit courts, and the manner of docketing the same and enforcing the same by execution or otherwise, shall apply to the clerks of the circuit courts and the clerk of this court in docketing judgments of the court hereby established and the issuing of executions thereupon.

Books, stationery, &c.

SECTION 12. Said county shall provide all books, stationery, and blanks necessary for keeping the records of the court hereby established, and all necessary

blanks which the clerks of the circuit court are authorized to keep.

Seal.

SECTION 13. The judge of said court shall, at the expense of the said county, cause to be made for the use of said court, a seal with a suitable device, with the words "Second County Court for Brown County," engraved thereon.

Appeals.

SECTION 14. No appeal to the circuit court shall be made or allowed of any cause tried or determined by the court hereby established, except in probate cases, but in all cases of judgments rendered, or orders made in said court, either party thinking himself aggrieved or injured by such judgment, or order, may remove the same by appeal or writ of error to the supreme court in the manner now or hereinafter provided for removing judgments rendered or orders made, in circuit courts, to the supreme court.

Causes removed to Supreme court.

SECTION 15. Causes removed from the court hereby established to the supreme court, and the orders, decisions and judgments of the court hereby established may be reviewed by the supreme court in the like instance and in the same manner that causes, orders, decisions or judgments removed from circuit courts are reviewed by the supreme court. And the supreme court shall have the same power over such causes, orders, decisions or judgments as it has over causes, orders, decisions or judgments of the circuit court, and all provisions of law now existing, or hereinafter enacted relating to writs of error and appeals from the circuit courts to the supreme court and the costs and disbursements therein, shall apply to writs of error and appeals from the court hereby established, to the supreme court.

Absence of judges.

SECTION 16. If the judge authorized to hold such court shall not attend for that purpose before four o'clock on the day appointed for such court to meet, it shall be the duty of the sheriff or of the clerk to adjourn said court from day to day for three days unless the judge shall sooner appear; and if the judge do not appear at that time, the court shall stand adjourned and all cases continued until the next regular day for such court to meet.

Removals.

SECTION 17. Any judge of the court hereby established, may be removed from office in the manner provided for the removal of judges of the supreme court or circuit courts in the constitution of this state.

Change of place of trial.

SECTION 18. Whenever the place of trial of any action in said court shall be changed, on account of

the prejudice of the judge thereof, or because he shall be interested or have been counsel therein, the place of trial shall be changed to the circuit court of said Brown county, unless it shall appear that one of the aforesaid objections exists to trying such action before the judge of the said circuit court; and whenever, for any such reasons, a change of the place of trial shall be granted in the circuit court in any civil action wherein the amount in controversy does not exceed five thousand dollars, as hereinbefore provided, pending in said court or any criminal action or information, except for murder, the place of trial shall be changed to the said court hereby established, unless it appear that one of the aforesaid objections exists to trying such action before the judge of the court hereby established; and any civil or criminal action now or hereafter pending in the circuit court for Brown county may be removed to the court hereby established upon the written consent of all the parties thereto filed with the said clerk: and upon such removal the said action shall proceed and be brought to trial, tried and determined in the same manner and with like effect, as if the same had been removed for cause; *provided*, the action thus removed by consent be one of which the court hereby established would have jurisdiction, according to the provisions of this act.

When judge is interested in cause.

SECTION 19. No judge of the court hereby established shall have power to try and determine any cause or matter which shall come before said court or the judge thereof, in which he shall have been interested, or in which he shall have acted as counsel for either party, except by agreement of the parties. *Provided*, that the fact that said judge is or may be a citizen or tax payer, shall not be deemed sufficient interest to disqualify him under the section or otherwise.

Change of venue.

SECTION 20. In all cases of a change of venue in actions pending in said court, not provided for by this act, the action shall be removed to a county court of an adjoining county, if any there be having jurisdiction thereof, or to the circuit court for an adjoining county in the discretion of the judge. And the expense of the trial of any such action shall be borne by the respective counties from which and to which it shall be removed, in the same proportion and be paid or recovered in the manner now or hereafter provided in cases of removal for like causes from the circuit court of one county to that of another.

blanks which the clerks of the circuit court are authorized to keep.

Seal.

SECTION 13. The judge of said court shall, at the expense of the said county, cause to be made for the use of said court, a seal with a suitable device, with the words "Second County Court for Brown County," engraved thereon.

Appeals.

SECTION 14. No appeal to the circuit court shall be made or allowed of any cause tried or determined by the court hereby established, except in probate cases, but in all cases of judgments rendered, or orders made in said court, either party thinking himself aggrieved or injured by such judgment, or order, may remove the same by appeal or writ of error to the supreme court in the manner now or hereinafter provided for removing judgments rendered or orders made, in circuit courts, to the supreme court.

Causes removed to Supreme court.

SECTION 15. Causes removed from the court hereby established to the supreme court, and the orders, decisions and judgments of the court hereby established may be reviewed by the supreme court in the like instance and in the same manner that causes, orders, decisions or judgments removed from circuit courts are reviewed by the supreme court. And the supreme court shall have the same power over such causes, orders, decisions or judgments as it has over causes, orders, decisions or judgments of the circuit court, and all provisions of law now existing, or hereinafter enacted relating to writs of error and appeals from the circuit courts to the supreme court and the costs and disbursements therein, shall apply to writs of error and appeals from the court hereby established, to the supreme court.

Absence of judges.

SECTION 16. If the judge authorized to hold such court shall not attend for that purpose before four o'clock on the day appointed for such court to meet, it shall be the duty of the sheriff or of the clerk to adjourn said court from day to day for three days unless the judge shall sooner appear; and if the judge do not appear at that time, the court shall stand adjourned and all cases continued until the next regular day for such court to meet.

Removals.

SECTION 17. Any judge of the court hereby established, may be removed from office in the manner provided for the removal of judges of the supreme court or circuit courts in the constitution of this state.

Change of place of trial.

SECTION 18. Whenever the place of trial of any action in said court shall be changed, on account of

the prejudice of the judge thereof, or because he shall be interested or have been counsel therein, the place of trial shall be changed to the circuit court of said Brown county, unless it shall appear that one of the aforesaid objections exists to trying such action before the judge of the said circuit court; and whenever, for any such reasons, a change of the place of trial shall be granted in the circuit court in any civil action wherein the amount in controversy does not exceed five thousand dollars, as hereinbefore provided, pending in said court or any criminal action or information, except for murder, the place of trial shall be changed to the said court hereby established, unless it appear that one of the aforesaid objections exists to trying such action before the judge of the court hereby established; and any civil or criminal action now or hereafter pending in the circuit court for Brown county may be removed to the court hereby established upon the written consent of all the parties thereto filed with the said clerk: and upon such removal the said action shall proceed and be brought to trial, tried and determined in the same manner and with like effect, as if the same had been removed for cause; *provided*, the action thus removed by consent be one of which the court hereby established would have jurisdiction, according to the provisions of this act.

When judge is interested in cause.

SECTION 19. No judge of the court hereby established shall have power to try and determine any cause or matter which shall come before said court or the judge thereof, in which he shall have been interested, or in which he shall have acted as counsel for either party, except by agreement of the parties. *Provided*, that the fact that said judge is or may be a citizen or tax payer, shall not be deemed sufficient interest to disqualify him under the section or otherwise.

Change of venue.

SECTION 20. In all cases of a change of venue in actions pending in said court, not provided for by this act, the action shall be removed to a county court of an adjoining county, if any there be having jurisdiction thereof, or to the circuit court for an adjoining county in the discretion of the judge. And the expense of the trial of any such action shall be borne by the respective counties from which and to which it shall be removed, in the same proportion and be paid or recovered in the manner now or hereafter provided in cases of removal for like causes from the circuit court of one county to that of another.

blanks which the clerks of the circuit court are authorized to keep.

Seal.

SECTION 13. The judge of said court shall, at the expense of the said county, cause to be made for the use of said court, a seal with a suitable device, with the words "Second County Court for Brown County," engraved thereon.

Appeals.

SECTION 14. No appeal to the circuit court shall be made or allowed of any cause tried or determined by the court hereby established, except in probate cases, but in all cases of judgments rendered, or orders made in said court, either party thinking himself aggrieved or injured by such judgment, or order, may remove the same by appeal or writ of error to the supreme court in the manner now or hereinafter provided for removing judgments rendered or orders made, in circuit courts, to the supreme court.

Causes removed to Supreme court.

SECTION 15. Causes removed from the court hereby established to the supreme court, and the orders, decisions and judgments of the court hereby established may be reviewed by the supreme court in the like instance and in the same manner that causes, orders, decisions or judgments removed from circuit courts are reviewed by the supreme court. And the supreme court shall have the same power over such causes, orders, decisions or judgments as it has over causes, orders, decisions or judgments of the circuit court, and all provisions of law now existing, or hereinafter enacted relating to writs of error and appeals from the circuit courts to the supreme court and the costs and disbursements therein, shall apply to writs of error and appeals from the court hereby established, to the supreme court.

Absence of judges.

SECTION 16. If the judge authorized to hold such court shall not attend for that purpose before four o'clock on the day appointed for such court to meet, it shall be the duty of the sheriff or of the clerk to adjourn said court from day to day for three days unless the judge shall sooner appear; and if the judge do not appear at that time, the court shall stand adjourned and all cases continued until the next regular day for such court to meet.

Removals.

SECTION 17. Any judge of the court hereby established, may be removed from office in the manner provided for the removal of judges of the supreme court or circuit courts in the constitution of this state.

Change of place of trial.

SECTION 18. Whenever the place of trial of any action in said court shall be changed, on account of

the prejudice of the judge thereof, or because he shall be interested or have been counsel therein, the place of trial shall be changed to the circuit court of said Brown county, unless it shall appear that one of the aforesaid objections exists to trying such action before the judge of the said circuit court; and whenever, for any such reasons, a change of the place of trial shall be granted in the circuit court in any civil action wherein the amount in controversy does not exceed five thousand dollars, as hereinbefore provided, pending in said court or any criminal action or information, except for murder, the place of trial shall be changed to the said court hereby established, unless it appear that one of the aforesaid objections exists to trying such action before the judge of the court hereby established; and any civil or criminal action now or hereafter pending in the circuit court for Brown county may be removed to the court hereby established upon the written consent of all the parties thereto filed with the said clerk: and upon such removal the said action shall proceed and be brought to trial, tried and determined in the same manner and with like effect, as if the same had been removed for cause; *provided*, the action thus removed by consent be one of which the court hereby established would have jurisdiction, according to the provisions of this act.

When judge is interested in cause.

SECTION 19. No judge of the court hereby established shall have power to try and determine any cause or matter which shall come before said court or the judge thereof, in which he shall have been interested, or in which he shall have acted as counsel for either party, except by agreement of the parties. *Provided*, that the fact that said judge is or may be a citizen or tax payer, shall not be deemed sufficient interest to disqualify him under the section or otherwise.

Change of venue.

SECTION 20. In all cases of a change of venue in actions pending in said court, not provided for by this act, the action shall be removed to a county court of an adjoining county, if any there be having jurisdiction thereof, or to the circuit court for an adjoining county in the discretion of the judge. And the expense of the trial of any such action shall be borne by the respective counties from which and to which it shall be removed, in the same proportion and be paid or recovered in the manner now or hereafter provided in cases of removal for like causes from the circuit court of one county to that of another.

Clerk to transmit papers.

SECTION 21. Whenever the venue of any action shall be changed in pursuance of this act, the clerk of the court removing said action shall forthwith transmit the papers relating thereto to the clerk of the court to which said action shall be removed, and said last mentioned court shall proceed to trial, give judgment and issue execution in the same manner as if said action had been originally brought therein.

SECTION 22. This act shall take effect and be in force from and after its passage and publication.

Approved February 12, 1875.

CHAPTER 10.

[*Published February* 15 1874.]

AN ACT to amend an act entitled, "an act to amend Chapter 500, of the private and local laws of 1868, entitled an act to consolidate and amend an act to incorporate the city of Madison, and the several acts amendatory thereof, approved March 6th, 1868, and to declare the true intent and meaning of certain provisions therein contained."

The people of the state of Wisconsin, represented in Senate and Assembly, do enact as follows:

Per diem of police officers.

SECTION 1. Section 5, of an act entitled "an act to amend chapter 500 of the private and local laws of 1868, entitled, an act to consolidate and amend an act to incorporate the city of Madison, and the several acts amendatory thereof, approved March 6, 1868, and to declare the true intent and meaning of certain provisions therein contained," is hereby amended so that it shall read as follows: No per diem shall be paid to any regular or special police officer of the city, except when a special order or direction of the mayor shall be given for that purpose, and not exceeding one dollar per diem for each officer so ordered or directed to be so compensated. When any such order or direction shall be given by the mayor he shall report the fact at the next meeting of the Council, with the name or names of the persons so to be compensated for such services, which order or direction, if not countermanded by the mayor, shall continue in force until disapproved by a vote of a majority of all the members elect of the council, and all acts and parts of acts contravening the provisions of this act are hereby repealed.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved February 12, 1875.

CHAPTER 11.

[*Published February* 15, 1875.]

AN ACT to amend sections 1 and 3, of chapter 148, of the laws of 1874, entitled, "an act for the preservation of fish in Waukesha and Walworth counties."

The people of the state of Wisconsin, represtnted in Senate and Assembly, do enact as follows;

SECTION 1. Section 1, of chapter 148, of the laws of 1874, is hereby amended to read as follows: "Section 1. It shall be unlawful for any person or persons to kill, destroy, catch or take, in any way or manner, or pursue with intent to kill, destroy, catch or take, in any way or manner, any pickerel, mascanonge, mascalonge, pike, pike perch, black bass, growler or silver bass, in any of the rivers or lakes in the counties of Waukesha and Walworth, between the first day of March and the thirtieth day of April, in any year." Prohibiting taking or destruction of fish.

SECTION 2. Section three, of said act is hereby amended to read as follows: "Section three. Any person or persons who shall molest, disturb or destroy any pickerel, mascanonge, mascalonge, pike, pike perch, black bass, growler or silver bass, at the time of their spawning, or disturb, or destroy their spawning beds or nests, between the first day of March and the thirtieth day of April, of each year, shall upon conviction thereof be subject to, and liable for a penalty of not less than five dollars, nor more than fifteen dollars, for every such act committed in said counties of Waukesha and Walworth, together with the costs of prosecution." Penalty.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved February 12, 1875.

CHAPTER 12.

[*Published February* 15, 1875.]

AN ACT for the preservation of fish in Lake Ripley, in Jefferson county.

The people of the state of Wisconsin, represented in Senate and Assembly, do enact as follows:

Prohibiting taking of fish by certain means.

SECTION 1. It shall be unlawful for any person or persons to kill, destroy, catch or take, in any way or manner, any kind of fish from the waters of Lake Ripley, in Jefferson county, except in the months of June, July and August; and no person shall catch or take any fish from the waters of said lake by means of netting, spearing or shooting the same; and it shall be unlawful for any person or persons to draw a seine in the waters as aforesaid at any time, and shall not catch the fish from the said waters except by a hook and line, and then only in the said months of June, July and August of each year. Any person offending against the provisions of this section shall be punished by a fine of not less than five dollars nor more than twenty dollars, for each and every offense, with costs of suit, and shall be imprisoned in the county jail of said county until such fine and costs are fully paid, or until discharged by due course of law. One-half of such or said fine shall be paid to the complainant and the remainder to the town treasurer of the town in which the offense is committed.

Penalty.

Sections 21, 23 & 24, ch. 183, R. S. to apply.

SECTION 2. All the provisions of sections twenty-one (21), twenty-three (23) and twenty-four (24), of chapter one hundred and eighty-three (183), of the Revised Statutes of this state, shall apply to and be in full force and effect in the construction and enforcement of this act.

Jurisdiction of justices.

SECTION 3. Justices of the peace shall have jurisdiction to hear, try and determine all cases which may arise under the provisions of this act: *Provided*, that the defendant shall not be deprived of a jury trial, nor the right of appeal as in other cases.

SECTION 4. This act shall take effect and be in force from and after its passage and publication.

Approved February 12, 1875.

CHAPTER 13.

[*Published February* 15, 1874.]

AN ACT relating to the Whitewater Furniture and Manufacturing Company and amendatory of sections 1 and 5, of chapter 282, of the private and local laws of 1869.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Amending ch. 282 P. & L. L. of 1869, relating to Whitewater Manufacturing Co.

SECTION 1. Section 1, of chapter 282, of the private and local laws of 1869, is hereby amended by striking out of the sixth line thereof the words "furniture and," so that said section, when amended, shall read as follows: Section one. E. S. Reddington, Wm. Nelson, G. W. Esterly, F. L. Kiser and C. C. Lewis and such other persons as may be hereafter associated with them as stockholders, their successors and assigns, are hereby created and constituted a body corporate and politic by the name of the "Whitewater Manufacturing Company," with perpetual succession, and by that name shall have all the privileges and immunities incident to a corporation, and no stockholder shall be liable for the debts of the corporation for a greater sum than the amount of his stock. The corporation hereby created in its corporate name, shall have the right, and be capable in law of contracting and being contracted with, suing and being sued, defending and being defended, in all courts and places; of purchasing, owning, holding, using, selling, leasing, mortgaging and conveying, estate and property of any kind, real, personal or mixed; of taking, holding, using, assigning and collecting any notes, securities, mortgages or obligations, and of having a common or corporate seal, and changing the same at pleasure.

Powers of corporation.

SECTION 2. Section five, of said chapter 282, is hereby amended by striking out of the first line thereof the words, "furniture and," so that said section when so amended shall read as follows: Section five. The Whitewater Manufacturing Company is hereby authorized and fully empowered to do and carry on a general manufacturing business of any and every description within the town of Whitewater, in this state, and to borrow any sum or sums of money from any person or persons, corporation or corporations, and make and execute in its corporate name all necessary

writings, notes, bonds, or other papers and mortgages, or to convey in trust its works, property, real and personal, and franchises, and make, execute and deliver such securities in amount and kind as may be deemed expedient by said corporation. And said company may make and sell such notes and bonds, mortgages or other securities at par, or at any price under par, as to said company may seem best, any law on the subject of usury to the contrary notwithstanding; and said company is hereby prohibited from interposing the defense of usury in any action brought to enforce the payment of any of the securities issued under and by virtue of this act.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved February 12, 1875.

CHAPTER 14.

[*Published February* 16, 1875.]

AN ACT in relation to the collection of taxes in Marathan and Lincoln counties.

The people of the state of Wisconsin, represented in Senate and Assembly, do enact as follows.

Town treasurers of towns of Berlin, Wein, Maine and Texas to collect taxes.

SECTION 1. The town treasurers in the towns of Berlin, Wein, Maine and Texas, in the county of Marathon, are hereby authorized and empowered to collect all the taxes upon their several tax rolls now in their hands, notwithstanding portions of the lands and property upon which said taxes are levied and assessed are situited in the county of Lincoln, and portions in the county of Marathon.

To make duplicate returns.

SECTION 2. Each of said town treasurers shall make out duplicate returns and deliver one to the treasurer of Marathon county, as now provided by law, and one to the treasurer of Lincoln county, and shall pay over to the treasurer of Lincoln county all state and county taxes collected in that portion of their several towns in Lincoln county, and shall pay over to the treasurer of Marathon county all taxes collected in Marathon county in their several towns, as now provided by law, retaining all town or local taxes collected upon their several rolls.

SECTION 3. And the county treasurer of Lincoln county shall collect as now provided by law, all taxes returned delinquent to him by the said town treasurers, and shall credit and pay over to the several town treasurers all of the town or local taxes so returned delinquent.

Treasurer of Lincoln county to collect delinquent taxes.

SECTION 4. This act shall take effect and be in force from and after its passage.

Approved February 13, 1875.

CHAPTER 15.

[*Published February* 20, 1875.]

AN ACT for the preservation of fish in the waters of Kenosha county.

The people of the state of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. It shall be unlawful for any person or persons to kill, destroy, catch or take in any way or manner, destroy any pickerel, perch, pike, black bass, silver bass or rock bass, in any of the lakes or rivers within the county of Kenosha, or in any of the inlets or outlets of such lakes, between the first day of January and the thirtieth day of April in any year.

Unlawful to take fish at certain times.

SECTION 2. Every [any] person or persons who shall violate the provisions of the preceding section shall forfeit and suffer a fine of not less than one dollar nor more than five dollars for each fish taken, destroyed or pursued contrary to the provisions of this act, together with the costs of prosecution.

Penalty.

SECTION 3. Justices of the peace within the county of Kenosha shall have cognizance and jurisdiction of all offenses under the provisions of this act.

Justices to have cognizance.

SECTION 4. This act shall take effect and be in force from and after its passage and publication.

Approved, February 17, 1875.

CHPPTER 16.

[*Published February* 20, 1875.]

AN ACT in relation to towns and town officers.

The people of the state of Wisconsin, represented in Senate and Assembly, do enact as follows:

Unlawful to hold certain offices at the same time.

SECTION 1. That hereafter it shall be unlawful for any person to hold the office of Town Treasurer and Town Assessor at the same time, within this State.

SECTION 2. That all acts and parts of acts conflicting with the provisions of this act, are hereby repealed.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved February 17, 1875.

CHAPTER 17.

[*Published February* 20, 1875]

AN ACT to repeal chapter two hundred and seventy-one (271) general laws of 1874, entitled "An act to fix and regulate costs in county courts in probate business."

The people of the state of Wisconsin, represented in Senate and Assembly, do enact as follows:

Chap. 271, G. L. 1874, repealed.

SECTION 1. Chapter two hundred and seventy-one (271) of the general laws of 1874, an act entitled "An act to fix and regulate costs in county courts in probate business," is hereby repealed.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved February 17, 1875.

CHAPTER 18.

[*Published February* 20, 1875.]

AN ACT to legalize the official acts of Henry Voltquart as Notary Public.

The people of the state of Wisconsin, represented in Senate and Assembly, do enact as follows:

Acts legalized.

SECTION 1. All and singular the acts and doings of Henry Voltquart, of the town of Green Bush, Sheboygan county, as Notary Public, since December 6, 1874, at which date his commission expired, are hereby declared legal and valid and shall have the same effect in law as though his said commission had remained in full force at the time of doing or performing said act or acts.

SECTION 2. This act shall take effect and be in force from and after its passage.

Approved February 17, 1875.

CHAPTER 19.

[*Published February* 20, 1875.]

AN ACT to authorize poison to be used for the destruction of wolves and wild cats in the months of November and December, in each year.

The people of the state of Wisconsin, represented in Senate and Assembly, do enact as follows:

Lawful to put out poison.

SECTION 1. For the destruction of wolves and wild-cats, it shall be lawful for any person, or persons, to put out baits containing poison, at suitable places, at not less distance than 80 rods from any dwelling house, from the tenth day of November to the twentieth day of December, in each year.

Precautions to be taken.

SECTION 2. Any person or persons, having so put out baits containing poison, for the destruction of wolves and wild cats, shall, immediately after having put out such baits containing poison, post up, or cause to be posted up, notices, in three of the most public places in the town wherein such poison has by him been put out. Said notice shall contain a

full description of the land whereupon such baits containing poison have been put out, also the date when said poison was by him put out.

Bounty for wolves poisoned.

SECTION 3. Any person or persons, in this state, who shall present to the county clerk any wolf scalp, or scalps, with the ears entire, shall be entitled to all the bounty, whether the wolf from which such scalp was taken has been killed by poison or otherwise.

Shall take up and destroy poison at a certain time.

SECTION 4. Within three days after the said twentieth day of December, the person or persons so having put out such baits or banes, shall take up and effectually destroy the same which shall remain. A failure to destroy, as aforesaid, as well as a failure to comply with section two of this act, shall subject such person, or persons, to whatever damages may be sustained by the neglect, and also a fine of not less than five dollars, all to be recovered before a justice of the peace of the county, in the same manner as other damages and fines are collected.

Penalty for neglect.

Duty of chairman or clerk of town board.

SECTION 5. It is hereby made the duty of the chairman or clerk of the town board of each town in this state to read publicly the foregoing chapter at the time and place of reading the report and voting appropriations at the town election in April, in each year.

SECTION 6. This act shall take effect and be in force from and after its passage and publication.

Approved February 17, 1875.

CHAPTER 20.

[*Published February* 20, 1875.]

AN ACT to repeal chapter three hundred and forty-nine (349) of the private and local laws of 1871, entitled, "an act to amend section three (3), of chapter two-hundred and forty-nine (249) of the private and local laws of 1870, entitled, 'an act to incorporate the Silver Glance Mining Company.'"

The people of the state of Wisconsin represented in Senate and Assembly, do enact as follows:

Repealing chap. 349. P. & L. L. 1871.

SECTION 1. Chapter three hundred and forty-nine (349) of the private and local laws of 1871, entitled "An act to amend section three (3), of chapter two hundred and forty-nine (249) of the private and local laws of 1870, entitled, 'an act to incorporate the

Silver Glance Mining Company,'" is hereby repealed.

SECTION 2. This act shall take effect and be in force from and after its passage.

Approved February 17, 1875.

CHAPTER 21.

[*Published February* 20, 1875.]

AN ACT to amend an act entitled, "An act to amend section ten, of chapter one hundred and thirty-two, of the Revised Statutes of 1858, relating to verdicts and exceptions."

The people of the state of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section one, of chapter one hundred and ninety-four, of the laws of 1874, is hereby amended so as to read as follows: Section ten, of chapter one hundred and thirty-two, of the Revised Statutes, is hereby amended so as to read as follows: A general verdict is one by which the jury pronounce generally upon all or any of the issues, either in favor of the plaintiff or defendant. A special verdict is that by which the jury find the facts only, leaving the judgment to the court. In all civil cases the court shall, at the request of any party, direct the jury to find a special verdict. *Provided*, That such request be made at the close of the testimony and before any argument to the jury. Such special verdict shall be in writing, and shall be filed with the clerk and entered upon the minutes.

Amending chap. 194, laws of 1874.

General verdict defined.

Special verdict.

SECTION 2. This act shall take effect from its passage and publication.

Approved February 17, 1875.

CHAPTER 22.

[*Published February 20, 1875.*]

AN ACT to amend chapter 136, laws of 1874. entitled "An act for the preservation of fish in Dell Creek."

The people of the state of Wisconsin, represented in Senate and Assembly, do enact as follows:

Amending chap. 136, laws of 1874.

SECTION 1. Section one (1) of chapter one hundred and thirty-six, laws of 1874, is hereby amended by inserting after the word "spear," or any gun or any device except hook and lines, so that said section shall read as follows: Section 1. It shall be unlawful for any person or persons to draw or use any seine or net, or use any spear or any gun, or any other device, except hooks and lines, for the purpose of catching or killing fish in Dell Creek, or the ponds adjoining thereto, in Sauk county, Wisconsin, above the lower dam in said creek.

Unlawful to take fish in Dell Creek.

SECTION 2. Section two (2) of said act is hereby amended so that said section shall read as follows: Section two (2). Any person or persons violating the provisions of section one (1) of this act, shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be fined in a sum not less than ten nor more than fifty dollars, with costs of prosecution, one-half of said fine to be paid to the informer.

Penalty.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved February 17, 1875.

CHAPTER 23.

[*Published February 20, 1875.*]

AN ACT to prevent the law partners of the District Attorney from acting as a Justice of the Peace, or as a Court Commissioner in certain cases.

The people of the state of Wisconsin, represented in Senate and Assembly, do enact as follows:

Practicing Attorney not to be allowed to

SECTION 1. Section eighty (80) of chapter thirteen (13) of the Revised Statutes, as amended by chapter

thirty-six (36) of the laws of 1860, is hereby amended, so as to read as follows: No practicing attorney shall be allowed to hold his office in the office of the clerk of any court in which he is a practicing attorney, and no practicing attorney shall hold his office in the same room with a county judge, unless said county judge shall be the law partner, and, in such case, such attorney shall not be permitted to practice before such judge, nor shall the law partner of any district attorney act as justice of the peace or as a court commissioner in any case in which the State of Wisconsin is or may be a party, or defend in any court any person charged with any offense, or appear in any civil action against the State, in which it is the duty of such district attorney to prosecute or appear for the State.

hold office with clerk of court or county judge

SECTION 2. This act shall take effect from and after its passage and publication.

Approved February 17, 1875.

CHAPTER 24.

[*Published February* 20, 1875.]

AN ACT to require the several railroad companies in this state to provide for the safety of passengers.

The people of the state of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. All railroad companies in the state who run passenger or other cars for the conveyance of passengers therein, shall provide and have placed in some conspicuous place in each car so used for the conveyance of passengers, an axe with handle ready for use, together with a hand saw.

Railroad cars to be provided with axe and saw.

SECTION 2. Any railroad company failing or refusing to comply with the provisions of the foregoing section, shall be liable on conviction before any justice of the peace through whose county such road or any part thereof may run, to a fine of twenty-five dollars and costs of suit, for each and every day of failure or neglect to comply with said section, one-half of said fine to go to the informer being the complainant against such road, before any such justice of

Penalty for neglect.

the peace, the other half into the school fund of the county in which such conviction may be had.

SECTION 3. This act take effect and be in force thirty days from and after its passage and publication.

Approved February 17, 1875.

CHAPTER 25.

[*Published February* 20, 1875.]

AN ACT to amend section 50, of chapter 119, of the general laws of 1872, entitled "An act in relation to railroads and the organization of railroad companies."

The people of the state of Wisconsin, represented in Senate and Assembly, do enact as follows:

Railroad corporation may change name.

SECTION 1. Section fifty (50), of chapter one hundred and nineteen (119), of the general laws of 1872, entitled, "An act in relation to railroads and the organization of railroad companies," is hereby amended so as to read as follows: Any railroad company incorporated by or under the laws of this state, may, by a majority vote of all its shareholders, change its corporate name and adopt such other corporate name as the shareholders shall designate in the vote or resolution. In the event of any railroad company changing its name as above authorized, the secretary of said railroad company shall file in the office of the secretary of state, a copy of the resolution, certified under his hand and the seal of the company, changing the name as aforesaid, and shall publish the same for three successive weeks in the official state paper, and such change shall take effect from the time when the same is filed with the secretary of state. A transcript of such resolution, or of the record thereof, at any time heretofore or hereafter certified by the secretary of state in due form of law, shall be sufficient evidence of such change of name and of the name adopted, in any and all courts, and in any and all proceedings; all acts and things done or undertaken to be done for the benefit and in behalf of the company, or for which the company shall have been before liable in any way under its former name, shall be to the same and as full extent binding and obligatory in fa-

How change to be made.

vor of and upon the company under the new name adopted by it.

SECTION 2. This act shall take effect and be in force from and after its passage.

Approved February 17, 1875.

CHAPTER 26.

AN ACT to appropriate to Lena Zwight, a sum of money therein named.

The people of the state of Wisconsin, represented in Senate and Assembly, do enact as follows:

Appropriation to Lena Zwight.

SECTION 1. There is hereby appropriated to Lena Zwight, administratrix of the estate of Dirk Zwight, deceased, out of any money now in the state treasury not otherwise appropriated, the sum of one hundred and ninety one and 88-100 dollars, ($191.88,) with interest thereon from the twelfth day of March, A. D., 1858, to reimburse her for the amount paid by the said Dirk Zwight for the northwest quarter (¼) of the southwest quarter, (¼,) and lots three, (3,) four, (4,) five, (5,) of section number twenty-nine, (29,) in town sixteen (16) north, of range seven (7) west, according to the official plats of survey of said lands in the office of the Secretary of State, said lands having been erroneously conveyed to said Dirk Zwight the day and year above mentioned.

SECTION 2. This act shall take effect and be in force from and after its passage.

Approved February 19, 1875.

CHAPTER 27.

[*Published February* 23, 1875.]

AN ACT to amend chapter 423, private and local laws of 1871, entitled, "An act to authorize the county clerk of Door county to make and keep an abstract of tax sales, deeds and redemptions in said county."

The people of the state of Wisconsin, represented in Senate and Assembly, do enact as follows:

Repealing Sec. 2, chap. 423 P. & L. L. 1871.

SECTION 1. Section two of chapter 423, of the private and local laws of 1871, entitled, "An act to authorize the county clerk of Door county to make and keep an abstract of tax sales, deeds and redemptions in said county," is hereby repealed.

Of fees.

SECTION 2. Section 3 is hereby amended, so as to read as follows: Section 3. Said clerk shall add to the fees heretofore authorized by law, the sum of five cents for each tract redeemed or deeded.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved February 19, 1875.

[*Published February* 23, 1875.]

CHAPTER 28.

AN ACT to facilitate the establishment of a law library for the use of the courts and the bar in the eastern part of the State.

The people of the state of Wisconsin, represented in Senate and Assembly, do enact as follows:

Of exchange of laws and supreme court reports.

SECTION 1. In exchanging the laws and Supreme Court reports, printed by authority of this State, as provided for by section 43, of chapter 243, of the laws of Wisconsin of 1874, for those of other States and territories, which practice like comity, the superintendent of public property is hereby authorized to forward two volumes instead of one, and on receipt of two copies in return and exchange, to deliver one copy of the laws and reports of other States and territories so received, to the Milwaukee Law Library Association, provided said association shall permit all attorneys of courts of record of this State, not re-

Copies to be furnished Milwaukee Law Library Association.

siding in the city of Milwaukee, free use of and access to the library of said association during all business hours, when in said city attending courts of the United States, of this State, or on professional duties.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved February 19, 1875.

CHAPTER 29.

[*Published February* 23, 1875.]

AN ACT to authorize the Mineral Point Railroad to move its station at Riverside, and locate the same at a point herein named.

The people of the state of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. The Mineral Point Railroad is hereby authorized and empowered to remove its station and depot at the village of Riverside, in La Fayette county, in this state, and in lieu thereof locate and maintain a station and depot on or near a point on their line, between the village of Riverside and the village of Gratiot, ten chains north of the south line of section number four (4), town one (1), range four (4), east of the fourth principal meridian, in La Fayette county aforesaid. May remove station and depot.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved February 19, 1875.

CHAPTER 30.

[*Published February* 23, 1875.]

AN ACT to legalize the actions of school district No. 2, of the town of Forest, in the county of Vernon.

The people of the state of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. All the acts of school district number two of the town of Forest, in the county of Vernon, Acts of school districts legalized.

and state of Wisconsin, at a school district meeting held in said district on the 21st day of September, 1874, are hereby declared legal and valid, and the officers elected thereat are hereby declared to be the legal officers thereof, anything to the contrary notwithstanding, and all acts of the officers elected at said meeting above mentioned shall be held to be as legal and binding as though they had been elected at the regular annual meeting of said district.

SECTION 2. This act shall take effect and be in force from and after its passage.

Approved February 19, 1875.

CHAPTER 31.

[*Published February 23, 1875.*]

AN ACT to amend chapter 337, of the private and local laws of 1871, entitled, "An act to revise, consolidate and amend the act to incorporate the city of Prescott, and the several acts amendatory thereof."

The people of the state of Wisconsin, represented in Senate and Assembly, do enact as follows:

Amending chap. 337, P. & L. L. 1871.

SECTION 1. Section four (4), of chapter three (3), is hereby amended by adding at the end of said section the following: "And the justices of the peace may hold their offices at any place in said city."

SECTION 2. Section one (1), of chapter ten (10), relating to the police justice, defining his powers and duties, is hereby repealed.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved, February 19, 1875.

CHAPTER 32.

[*Published February* 23, 1875.]

AN ACT to legalize the acts of S. H. Earle, as notary public, in taking and certifying to acknowledgements to deeds.

WHEREAS, S. H. Earle, a notary public residing in Waupaca county, removed, on the 17th day of December, A. D. 1873, to Trempealeau county, and continued to act as notary public, believing he had a right so to do, until immediately prior to June 11, A. D. 1874, at which date he became duly qualified as a notary public residing in Trempealeau county; therefore Preamble.

The people of the state of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. The acts of S. H. Earle, in taking and certifying to acknowledgements of deeds, as notary public, prior to June 11, A. D. 1874, are hereby declared to be legal and valid for all purposes. Acts legalized.

SECTION 2. This act shall take effect and be in force from and after its passage.

Approved February 19, 1875.

CHAPTER 33.

[*Published February* 23, 1875.]

AN ACT to amend section one, of chapter nine, of the general laws of 1872, entitled "An act to fix the time for holding terms of the Circuit Court in the Tenth Judicial District."

The people of the state of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section one, of chapter nine, of the general laws of 1872, is hereby amended so as to read as follows: The general terms of the Circuit Court for the Tenth Judicial Circuit shall hereafter be held as follows: In Brown county on the first Monday of March and the first Monday of September in each year; in Oconto county on the second Monday of April and the third Monday of October in each year; in Door county on the first Tuesday after the third Time for holding circuit courts.

Monday of February and the first Tuesday after the third Monday of July, in each year; in Outagamie county on the first Monday of June and the second Monday of November in each year; in Shawano county on the first Tuesday after the fourth Monday of June and the first Tuesday after the second Monday of January in each year, and in Brown county a special term for the whole Circuit on the fourth Monday of January in each year.

Acts repealed.

SECTION 2. All acts or parts of acts conflicting with this act are hereby repealed.

SECTION 3. This act shall take effect and be in force from and after April 1, 1875.

Approved February 19, 1875.

CHAPTER 34.

[*Published February* 23, 1875.]

AN ACT to amend chapter one hundred and eighty-three of the private and local laws of 1871, entitled, "An act to confer certain powers upon the common council of the city of Hudson."

The people of the state of Wisconsin, represented in Senate and Assembly, do enact as follows:

Common council empowered to levy tax.

SECTION 1. Section one of chapter one hundred and eighty-three (183) of the private and local laws of 1871, is hereby amended so as to read as follows: The common council of the city of Hudson are empowered to provide for levying taxes to an amount not to exceed four mills on the dollar of the assessed valuation, as fixed by the board of equilizers of said city, for city purposes, and also when requested thereto by the board of education of said city to levy taxes on the city school district to an amount not to exceed seven mills on the dollar of assessed valuation for paying teachers' wages and incidental expenses of maintaining the schools of said city; and the said common council of said city shall not have power to levy or cause to be levied any greater rate of tax than is herein provided except for the purpose of building school houses and purchasing sites therefor, and for the purpose of paying the bonds of said city; and it shall not be lawful for said common council and board of education to contract any debt for the pur-

May levy tax on school district.

pose above specified unless a tax has been levied or the money is in the treasury sufficient to pay the same.

SECTION 2. This act shall take effect from and after its passage and publication.

Approved February 19, 1875.

CHAPTER 35.

[*Published February* 23, 1875.]

AN ACT to authorize Elias Gill and his assigns to build and maintain a dock and pier into the waters of Green Bay, in the town of Liberty Grove, Door county.

The people of the state of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. Elias Gill and his heirs and assigns are hereby authorized to build and maintain a dock and pier extending into the waters of Green Bay upon and from lot No. 4, section 31, township No. 33, range 29 east, in the town of Liberty Grove, in the county of Door and State of Wisconsin, and to charge legal and usual fees for the transportation of goods, wares and merchandise over the same. Authority to build dam.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved February 19, 1875.

CHAPTER 36.

[*Published February* 23, 1875.]

AN ACT to provide for the purchase of 250 copies of Webster's Unabridged Dictionary.

The people of the state of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. The State Superintendent of Public Instruction is hereby authorized and directed to purchase, on behalf of the State, two hundred and fifty copies of the latest edition of Webster's Unabridged Supt. of Public Instrucion to purchase dictionaries.

Dictionary at a cost, delivered at his office, not to exceed eight dollars per copy.

How same shall be distributed.

SECTION 2. The said dictionaries, when procured, shall be distributed in accordance with the provisions of chapters sixteen and thirty-two of the general laws of 1867.

Appropriation.

SECTION 3. There is hereby appropriated out of the general fund, a sum sufficient to pay for the dictionaries above provided for.

SECTION 4. This act shall take effect and be in force from and after its passage and publication.

Approved February 19, 1875.

CHAPTER 37.

[*Published February 23, 1875.*]

AN ACT to reinstate the platting and recording of McConnell and Whittlesey's addition to North La Crosse.

The people of the state of Wisconsin, represented in Senate and Assembly, do enact as follows:

Repealed.

SECTION 1. That portion of section number two, of chapter number one hundred and thirty-two, of the private and local laws of A. D. 1862, which vacates McConnell and Whittlesey's addition to North La Crosse, (which North La Crosse is now known as the fifth ward of the city of La Crosse), is hereby repealed.

Restored.

SECTION 2. The platting and recording of the southeast quarter of the northwest quarter, of section number twenty-nine, in town sixteen north, of range seven west, in La Crosse county, State of Wisconsin, are hereby declared of virtue, force and effect; and hereafter all county and city officers are required to observe the platting and recording of said McConnell and Whittlesey's addition, as valid and binding for all city and county purposes whatever.

Acts legalized.

SECTION 3. All assessments heretofore made, in lots and blocks, in said addition, all equalizations of the same, all taxes levied and collected thereon, all tax receipts given by the proper officers, all advertisements and sales of delinquencies in said addition for unpaid taxes, all certificates issued and deeds heretofore given by the proper officials on lots or blocks in

said McConnell and Whittlesey's addition, and all acts of officers and other parties, done by designation of lots or blocks in said addition, are hereby legalized and declared as valid as though said addition had never been vacated.

SECTION 4. This act is hereby declared a public act, and shall take effect from and after its passage and publication.

Approved February 19, 1875.

CHAPTER 38.

[*Published February 23, 1875.*]

AN ACT amending chapter 118, of the general laws of 1871, entitled "An act relating to bail in criminal cases."

The people of the state of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. The forms of recognizance and bail bonds prescribed by chapter 118, of the general laws of 1871, may hereafter be used in all criminal actions and proceedings, in all justice's courts, police courts, and other courts not of record in this state, as well as in all courts of record. Forms of recognizance.

SECTION 2. The following form of recognizance or bail bond may be used in all courts of this state not of record, upon the adjournment of any criminal action or proceeding:

STATE OF WISCONSIN, ——— county:

We A. B., C. D. and E. F., hereby give bail in the sum of —— dollars for the appearance of said A. B. upon the —— day of ——, A. D. at — M. of that day, before G. H., a —— of said county, at his office, in the (town or city) of ——, in said county, to answer a criminal prosecution for— (state offense). Form.

Dated, ———

——— A. B. ———
——— C. D. ———
——— E. F. ———

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved February 19, 1875.

CHAPTER 39.

[*Published February* 23, 1875.]

AN ACT to amend chapter 273, of the laws of 1874, entitled "An act relating to railroad, express and telegraph companies in the state of Wisconsin.

The people of the state of Wisconsin, represented in Senate and Assembly, do enact as follows:

Amended.

SECTION 1. Section eight, of chapter two hundred and seventy-three, of the laws of 1874, entitled "An act relating to railroads, express and telegraph companies in the state of Wisconsin," is hereby amended by striking from the seventh line of said section, the words "first day of May," and inserting in lieu thereof, the words "on or before the second Monday of February," and further, by striking out of the ninth and tenth lines thereof, the words, "next convening after said appointment," and writing in place thereof, the words "in session at the time of such appointment," so that said section when so amended, shall read as follows: Section 8. The Governor shall, on the first day of May, 1874, by and with the consent of the Senate, appoint three railroad commissioners, one for a term of one year, one for a term of two years, and one for a term of three years, whose term of office shall commence on the first day of May, and shall each year thereafter, on or before the second Monday of February appoint one railroad commissioner for the term of three years, said railroad commissioners to be confirmed by the Senate in session at the time of such appointment but no person owning any bonds, stock, or property in any railroad, or in the employ of any railroad company, or in any way or manner interested in railroads, shall be so appointed.

Appointment of railroad commissioners.

SECTION 2. This act shall take effect and be in force from and after its passage.

Approved February 20, 1875.

CHAPTER 40.

AN ACT to appropriate a sum therein named to Mrs. Caroline D. Pettit, widow of the late Milton H. Pettit, Leiutenant-Governor.

The people of the state of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. There is hereby appropriated to Mrs. Caroline D. Pettit, widow of the late Milton H. Pettit, Lieutenant-Governor, the sum of seven hundred and fifty dollars out of any moneys in the treasury not otherwise appropriated, the same being the undrawn residue of his salary for the year 1873. Appropriated.

SECTION 2. This act shall take effect and be in force from and after its passage.

Approved February 20, 1875.

CHAPTER 41.

AN ACT to appropriate to J. H. Waggoner and G. W. Peck each the sum of fifty dollars.

The people of the state of Wisconsin, represented in Senate and Assembly, do enact as follows.

SECTION 1. There is hereby appropriated, out of any money in the state treasury not otherwise appropriated, to J. H. Waggoner, the sum of fifty dollars, for services in opening the present session of the Senate; and to G. W. Peck the sum of fifty dollars, for services in opening the present session of the Assembly. Appropriated.

SECTION 2. This act shall take effect and be in force from and after its passage.

Approved February 20, 1875.

CHAPTER 42.

[*Published February 24, 1874.*]

AN ACT to authorize the supervisors of the town of Byron, in Monroe county, to use a portion of the "drainage fund" of said town to construct highways and bridges.

The people of the state of Wisconsin represented in Senate and Assembly, do enact as follows:

Town board to use drainage fund.

SECTION 1. The supervisors of the town of Byron, in Monroe county, are hereby authorized and and empowered to use so much of the "drainage fund" of said town as they shall deem advisable, for the purpose of constructing highways and bridges in said town: *Provided*, said moneys shall be expended and laid out in the same manner as moneys for the same purposes are now by law required to be expended and laid out.

SECTION 2. This act shall take effect and be in force from and after its passage.

Approved February 20, 1875.

CHAPTER 43.

[*Published February 23, 1875.*]

AN ACT to amend section 65 of chapter 18 of the Revised Statutes, entitled "Of the assessment and collection of taxes."

The people of the state of Wisconsin represented in Senate and Assembly, do enact as follows:

Amended.

SECTION 1. Section 65 of chapter 18 of the Revised Statutes, entitled "Of the assessment and collection of taxes," is hereby amended by striking out the word "thirty" in the fifth line of said section, and inserting in lieu thereof the word "forty-five," so that said section when so amended, shall read as follows: Section 65. The board of supervisors of any town and the common council of any city shall have power, and they are hereby authorized to extend the time for the collection of taxes in such town or city for such period of time, not exceeding forty-five days, as the said board of supervisors or the said common council may deem necessary.

Extension of time for paying taxes.

SECTION 2. This act shall take effect and be in force from and after its passage.

Approved February 20, 1875.

CHAPTER 44.

[*Published February 24, 1875.*]

AN ACT to amend the charter of the city of Berlin, so as to provide for the platting and recording the conveyance of certain cemetery lands therein.

The people of the state of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. Chapter four, of chapter three hundred and six, of the private and local laws of 1866, is hereby amended by adding thereto the following new section, to-wit: Section sixteen (16). The plat of any lands laid out for cemetery purposes, as provided in section fourteen, of this chapter, after being duly made and acknowledged, shall be filed in the city clerk's office, and deeds of lots as numbered upon said plat shall be sufficient. Such deeds shall specify the purpose for which the lands are to be used, and may be recorded by the city clerk in a book kept by him for that purpose. His fees for recording such deeds shall be the same as allowed to registers of deeds, and the said records and copies thereof duly certified by him shall be received as evidence in all courts and places in like manner as the originals.

Amended.

Plat to be filed in city clerk's office.

Fees for recording.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved February 20, 1875.

CHAPTER 45.

[*Published February* 25, 1875.]

AN ACT to authorize Dan. F. Smith to maintain a toll-dam on the south fork of Clam River, in Polk county, at Clam Falls.

The people of the state of Wiscansin, represented in Senate and Assembly, do enact as follows:

May maintain toll dam.

SECTION 1. Dan. F. Smith is hereby authorized to maintain a toll-dam at Clam Falls, on the south fork of Clam River, in Polk county, said dam to be used for the purposes of driving logs over Clam Falls, and shall be so constructed and provided with sluices as to assist logs or timber over said falls with such celerity as will be consistent with the security and preservation of said dams and sluices, and such other improvements as may be placed there for manufacturing purposes.

May control dam.

SECTION 2. The said Dan. F. Smith, or his legal representatives, shall have at all times control of said dam, its gates and sluices, and shall, upon the application of any log owner, or driver, or his or their legal representatives, and the payment of the toll hereinafter provided for, or its satisfactory equivalent, be entitled to all the rights and benefits of said dam, its gates and sluices, for any reasonable length of time to sluice any logs or timber through said dam over said falls.

Rate of toll.

SECTION 3. The said Dan. F. Smith shall be entitled to collect on all logs or timber sluiced over said falls by the aid of said dam the sum of twenty-five cents per thousand feet, board measure. The scale governing the collection of said toll shall be estimated by the interested parties, or scaled on the landings by a competent surveyor, but no part of the expense attending the scale of logs on their landings, which are to receive the benefit of said dam, shall be borne by the said Dan. F. Smith or his representatives.

SECTION 4. This act shall take effect and be in force from and after its passage and publication.

Approved February 20, 1875.

CHAPTER 46.

[*Published February 24, 1875.*]

AN ACT to change the time for holding the terms of circuit court in Columbia county.

The people of the state of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. The general terms of the circuit court for Columbia county shall hereafter be held as follows: On the third Tuesday in May and the second Tuesday in December, in each year.

Time for holding circuit court.

SECTION 2. All acts and parts of acts heretofore passed, fixing the time for holding terms of said court in Columbia county, at any other time than herein contained, are hereby repealed.

Repealed.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved February 20, 1875.

CHAPTER 47.

[*Published February 24, 1875.*]

AN ACT providing for the correction of errors in assessment and tax-rolls in certain cases.

The people of the state of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. Whenever it shall be discovered by any town, village or city clerk or treasurer, that any parcel of land has been erroneously described on the tax-roll, or that two or more parcels of land belonging to different individuals or corporations, have been assessed together as the property of one individual or corporation on the tax-roll of the town, city or village of which he is clerk or treasurer, he shall notify the assessor, and all parties interested, if residents of the county, by notice in writing, to appear at the clerk's office, at some time not less than five days thereafter, and correct the assessment-roll by correctly describing any parcel of land erroneously described, and by giving each parcel of land separately

Of lands erroneously described.

Clerk or treasurer to notify assessor.

owned its proper valuation; but the valuation given to separate tracts, under this act, shall not exceed nor be less than the valuation given to the same property when the several parcels were assessed together.

Shall state when correction was made.

SECTION 2. When the assessment-roll shall have been so corrected, the clerk shall enter a marginal note on the roll, stating when the correction was made by the assessor, and if the taxes shall have been extended against the property previously to the making of the correction by the assessor, it shall be the duty of the clerk to correct the tax-roll in the same manner that the assessment-roll was corrected, and extend against each tract the proper amount of tax to be collected.

No appeal shall be taken.

SECTION 3. From the determination of the assessor in giving separate parcels of land their proper valuation, under the provisions of this act, there shall be no appeal, but such valuation shall be taken and held to be just and correct, and shall be final.

SECTION 4. This act shall take effect and be in force from and after its passage and publication.

Approved February 20, 1875.

CHAPTER 48.

[*Published February 25, 1874.*]

AN ACT to authorize the parties therein named, or their heirs or assigns, to build and maintain certain booms upon the river and Lake St. Croix.

The people of the state of Wisconsin, represented in Senate and Assembly, do enact as follows:

May construct booms.

SECTION 1. John A. Humbird, John Comstock, Alfred J. Goss, Amos E. Jefferson, Horace A. Taylor, Joel F. Nason and William A. Talboys, their heirs and assigns, are hereby authorized and empowered and shall construct, maintain and keep a boom or booms upon the river and lake St. Croix, or either, at such point or points as they may deem advisable, between St. Croix Falls and the city of Hudson, for the period of twenty years, which boom or booms shall be completed on or before January 1, 1880, in which boom or booms all logs or timber coming or running down said St. Croix river or lake which shall

come within the limits of such boom or booms, shall be gathered by said parties, and such logs or timber shall be sorted and brilled [brailed] in rigging sufficiently secure to run, and shall be delivered by said parties to the owner or owners thereof as soon as practicable after they shall arrive in said boom. And the said parties are hereby authorized to dig and keep open such canal or canals, and to construct and maintain such works as they may deem essential to the convenience and successful operation of said boom or booms.

Logs &c. may be gathered and sorted.

SECTION 2. And the said parties, their heirs and assigns, are hereby authorized and empowered, for the purpose of making said boom or booms effectual, to extend the main part of said boom or booms, or any part of said boom or booms, as occasion may require, along or across the said river on either side of the natural channel thereof, to an extent co-extensive with the jurisdiction of Wisconsin. And to drive such piles, construct such piers, or other works as may be necessary, and hang such sheer or wing-booms in said river or lake as may be necessary or convenient to catch, hold and secure the logs or timber coming or running down said river or lake. *Provided, however*, That such works shall not obstruct or materially impede navigation upon said river or lake. And it shall be the duty of said parties, their heirs and [assigns, in the exercise of the powers hereby given to restore as far as practicable the original natural channel of said river to the end that the navigability of said river may be improved, and if it shall be found by said parties, their heirs and assigns, that the natural channel of said river, as the same existed ten years ago, has been obstructed, diverted or changed by reason, in whole or in part, of any canal or canals, or works of any kind, dug or constructed upon the Wisconsin side, or any part of said river, without authority from the Legislature of Wisconsin, it shall be the duty of said parties, their heirs and assigns, and they are hereby empowered for that purpose, to take possession of any such canal or canals, and to exclusively use the same in such manner as to restore to navigation the natural channel of said river, or to fill up the same or any part thereof, if necessary to the restoration of the navigation of said channel, and to enter upon and take possession of said works of whatever kind the same may be, and remove the same in so far as they obstruct or con-

Where booms may be placed.

tribute to the obstruction of said natural channel or any part thereof.

Object of act.

SECTION 3. It is hereby declared to be the object and purpose of this act to secure through the said parties, their heirs and assigns, the restoration to navigation of the natural channel of said river, and the maintenance of the same hereafter free from obstructions.

Shall appoint agents.

Duty of same.

SECTION 4. The said parties, their heirs and assigns, shall appoint one or more agents whose duty it shall be to deliver to the owner or owners of each particular mark of logs, all logs rafted or in rigging by said parties, their heirs and assigns, from said boom or booms, and whereof a true and accurate account of its number and mark of logs delivered to each owner or owners by said parties, their heirs and assigns, from said boom or booms, shall be kept in a book to be provided by said parties, their heirs and assigns, and kept for that purpose, which shall be subject at all times to the inspection of loggers and log owners upon the said river St. Croix. Which said book shall at all times be and remain in the possession and be the property of said parties, their heirs, and assigns, and the account so kept shall be evidence of the delivery of said logs, and of the number and marks so delivered, and to whom the same shall have been delivered. It shall also be the duty of said agent or agents in case of any dispute between said parties, their heirs and assigns, and any owner or owners of logs passing through said boom or booms, as to the length of time such logs shall have been so brilled [brailed] and ready for delivery, to determine how long such logs shall have been brilled [brailed] and ready for delivery. It shall also be the duty of said agent to keep as accurate an account as possible of all rigging delivered, and to note when the same is returned.

Shall sort out and brail logs and timber.

SECTION 5. The said parties, their heirs and assigns, shall sort out the said logs and timber according to their several marks; shall brill [brail] the same in rigging out of said boom or booms, to the owner or owners thereof. *Provided*, That the said parties, their heirs and assigns, shall not be obliged to retain any logs or timber at the foot of said boom or booms for a longer time than twenty-four hours after the same shall have been brilled [brailed] and ready for delivery, as aforesaid, at the expiration of which time they may be removed by said parties, their heirs and as-

signs, who shall use all reasonable care and exertion to secure said logs or timber in a safe place, there to remain until otherwise disposed of: *Provided further*, That the rigging or warp used by said parties, their heirs and assigns, shall be of good quality and of ordinary size used for such purposes, and said rigging or warp shall be and remain the property of said parties, their heirs and assigns. And it is further provided, that all rigging as aforesaid shall be returned to the parties, their heirs and assigns, within seven days from its delivery as aforesaid.

Remuneration.

SECTION 6. The said parties, their heirs and assigns, shall demand, collect and receive, and are hereby authorized by law to demand, collect and receive the sum of sixty cents per thousand feet board measure for every thousand feet of logs or lumber so sorted out and brilled [brailed] and made ready for delivery, as aforesaid, at the foot of said boom or booms; *provided*, that if any logs or timber shall not be taken away from the foot of said boom or booms, as aforesaid, within twenty-four hours, as in the preceding section mentioned, then the said parties, their heirs and assigns, are authorized and empowered to tote away and secure such logs or timbers, between the foot of said boom or booms and the city of Hudson, at such place or places on said river or lake as they may select, unless the said owner or owners shall have previously designated some place between St. Croix Falls and the city of Hudson, where he or they shall desire the same to be delivered, in which case the request shall, in all cases when practiceable, be complied with by said parties, their heirs and assgns; and they may demand, collect and receive therefor a reasonable compensation for such delivery, in addition to boomage and other charges which may be due said parties, their heirs and assigns, as aforesaid.

Shall have lien upon logs, &c.

SECTION 7. All the aforesaid charges for booming, sorting brilling [brailing] and delivering logs or timber as aforesaid, shall be deemed due and shall be paid to the said parties, their heirs and assigns, when the said logs or timber shall be ready for delivery as aforesaid, and the said parties, their heirs and assigns shall have a complete lien upon and a special property in the said logs and timber so boomed and sorted out for all boomage and charges that may be due to said parties, their heirs and assigns upon said logs or timber, by the respective owners thereof, and the said parties, their heirs and assigns, are authorized

and empowered to retain possession of all logs and timber of any particular mark or marks for boomage and all other charges that may have accrued on said logs, or any portion of said logs, which may have been previously delivered, and to sell the same as hereinafter provided, and each mark shall be liable and responsible to said parties, their heirs and assigns, for all expense and charges that may have accrued on said mark of logs, or any portion thereof, and logs of such mark, or a sufficient portion thereof, shall be taken by said parties, their heirs and assigns, from year to year, as the same may be received in said boom or booms aforesaid, and sold as hereinafter provided, until all said expenses, demands and charges shall be paid in full to the parties, their heirs and assigns; *provided*, that when any sum or sums of money shall have accrued or become due to said parties, their heirs and assigns, for the booming of logs or timber, or other charges as aforesaid, which shall not be paid on demand by the owner or owners thereof, after the same becomes due, the said parties, their heirs and assigns, are hereby authorized and empowered to take and sell at public auction, after giving twenty days' printed notice thereof, at St. Croix Falls, or at any other place designated in said notice, a sufficient quantity of logs or timber, belonging to the same owner or owners, which may be in the possession of said company, or may come into their possession thereafter, to pay all charges and demands of whatsoever nature that may have accrued or become due as aforesaid.

When two or more parties shall demand same logs.

SECTION 8. When two or more adverse claimants shall demand from the said parties, their heirs and assigns, logs of a particular mark or marks, the said parties, their heirs and assigns, shall retain possession of and secure such logs so claimed in some suitable place until the title thereto shall be finally determined, according to law or mutual agreement, and shall sell, from time to time, such portion thereof as may be necessary to pay all charges for boomage or otherwise, which may have accrued or become due thereon, according to the provisions of this act.

Duty of parties.

SECTION 9. It shall be the duty of the said parties, their heirs and assigns, to drive, or cause to be driven, all logs which may have come into the limits of their said boom or booms through said boom or booms, and assort and brill [brail] the same ready for delivery as soon as the same can be done, the said

parties, their heirs and assigns, using due diligence in performing the same.

SECTION 10. All logs coming into or through said boom or booms, not claimed by the owner or owners thereof, shall be taken by the said parties, their heirs and assigns, and secured in a safe place; and the said parties, their heirs and assigns, may at any time, by giving ten days' public notice in two or more places, proceed and sell the same at public auction, and, after deducting all charges and reasonable expenses, shall hold the balance of the proceeds of such sale subject to the order of the owner or owners thereof. Unclaimed logs.

SECTION 11. All logs having no mark or marks, known as prize logs, coming into or within the limits of said boom or booms, shall be collected by said parties and sold, at any time, at public auction, upon giving ten days' notice of the time and place of sale, by written or printed notices posted up in two or more public places, and the proceeds thereof, after deducting boomage and all reasonable expenses and charges, shall at the close of the season be divided among the loggers pro rata. Prize logs.

SECTION 12. The said parties, their heirs and assigns, are authorized and permitted to place and hang sheer or trip booms across the entrance of all sloughs, and booms upon said river or Lake St. Croix and along all places where logs may be liable to run or float out of the main river or lake, during high water when the same may become necessary to prevent logs running or being driven down said river or lake within the limits of said boom or booms, from being caught or being stopped by said sloughs or said boom or booms. May place sheer booms.

SECTION 13. This act shall take effect and be in force from and after its passage.

Approved February 20, 1875.

CHAPTER 49.

[*Published February 26, 1874.*]

AN ACT to amend chapter 322, of the private and local laws of 1855, entitled, "An act granting the right to keep and maintain a ferry across the Mississippi River, in the county of Grant."

The people of the state of Wisconsin represented in Senate and Assembly, do enact as follows:

Privilege extended.

SECTION 1. The ferry right and privilege, granted by chapter three hundred and twenty-two, of the private and local laws of 1855, entitled, "an act granting the right to keep and maintain a ferry across the Mississippi River, in the county of Grant," approved March 31, 1855, is hereby extended and granted to Nelson Dewey, and his legal representatives, for the period of time of twenty years from and after the 31st day of March, 1875.

Privilege subject to laws of state.

SECTION 2. The ferry right and privilege hereby extended and granted shall be subject to all of the provisions of the act hereby amended, and to the general laws of this state that may be from time to time in force, relating to ferries across the said river.

SECTION 3. This act shall be in force from and after its passage.

Approved February 24, 1875.

CHAPTER 50.

[*Published February 26, 1875.*]

AN ACT to amend chapter one hundred and eighty-five (185) of the general laws of 1873, entitled, "An act to amend an act to consolidate and amend the act to incorporate the city of Kenosha, and the several acts amendatory thereof," approved March 2, 1857.

The people of the state of Wisconsin, represented in Senate and Assembly, do enact as follows:

Repealed.

SECTION 1. Sections two [2] and three [3], of chapter one hundred and eighty-five [185], of the general laws of the year 1873, entitled, "an act to amend an act to consolidate and amend the act to incorporate the city of Kenosha and the several acts amendatory thereof," approved March 2, 1857, are hereby repealed.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved February 24, 1875.

CHAPTER 51.

(*Published March* 1, 1875.)

AN ACT to authorize the County Board of Supervisors of the county of Brown to issue bonds to aid in building gravel roads through and in said county.

The people of the state of Wisconsin, represented in Senate and Assembly, do enact as follows:

May issue and negotiate coupon bonds.

SECTION 1. It shall be lawful for the board of supervisors of the county of Brown, to issue and negotiate the coupon bonds of said county to the amount of seventy-five thousand dollars, in denominations of not less than one hundred dollars each, payable twenty years after date, principal and interest payable at such place in or out of the state of Wisconsin, as said board may determine, and as such bonds express upon their face, bearing eight per cent. semi-annual interest, all of the proceeds or avails of said bonds to be used and expended in the construction of gravel roads in or through said county of Brown, on such only of the present laid out and worked roads of said county, as shall be designated by the said county board; *provided*, that when said bonds are so issued the existing indebtedness of said county of Brown, in the aggregate, shall not exceed five per centum on the value of the taxable property of said Brown county as shall appear by the last assessment previous to the issue of said bonds.

Interest.

Limit of indebtedness.

Tax to be levied and collected.

SECTION 2. When any of the bonds mentioned in section one, shall be issued, the board of supervisors of Brown county shall provide, by resolution or otherwise, for the collection of a direct annual tax upon all of the taxable property in said county, sufficient to pay the interest on such bonds as it falls due, and further, to provide for and pay and discharge the principal of such bonds within twenty years from the date of the issue of such bonds.

Question of issuing bonds to be submitted to voters.

SECTION 3. Such bonds shall not be issued until the question of issuing the same shall have been sub-

mitted to the legal voters of said county at an annual spring election, or at a special election to be called for the purpose of submitting the question of issuing such bonds to such electors; nor unless a majority of the votes cast upon the subject at such election shall be in favor of the issue of such bonds, and the votes cast upon the subject shall be by separate ballots, and shall have written or printed upon them the words, "for the road bonds," or "against the road bonds." If the majority of the ballots so cast are for the road bonds, then said bonds shall issue as in the first section of this act provided, but not otherwise. The ballots so cast shall be canvassed and returned in the same manner as the votes cast at a general election for county officers.

SECTION 4. This act shall take effect from and after its passage and publication.

Approved February 24, 1875.

CHAPTER 52.

[*Published February 26, 1875.*]

AN ACT to amend chapter 151, of the local laws of 1873, entitled, "An act to incorporate the city of Neenah," approved March 13th, 1873, and the several acts amendatory thereto.

CHAPTER I.

Amended.

SECTION 1. Section two (2) and three (3) of chapter one (1) of said act, approved March 13th, 1873, is hereby amended so as to read as follows:

Corporate limits.

SECTION 2. The territory lying in the county of Winnebago, and being all of the south half of sections twenty-three (23) and twenty-two (22), all of the southeast quarter and the east half of the southwest quarter of section twenty-one (21), all of sections twenty-six (26) and twenty-seven (27), all of the east half, and the east half of the northwest quarter, and the east half of the southwest quarter, of section twenty-eight (28), all in township twenty (20), range seventeen (17) east, shall comprise the territory and corporate limits of the city of Neenah.

Division of city.

SECTION 3. The city shall be divided into four (4) wards as follows:

I. Ward.—The first ward of said city shall contain all that portion lying south of the center line of the south channel of Fox river, and east of the center line of Cedar street and La Grange avenue.

II. Ward.—The second ward of said city shall contain all that portion lying south of the center line of the south channel of Fox river and Little Lake Buttes des Mortes, and west of the center line of Cedar street and La Grange avenue, and east of the east line of L. B. Brien's addition and Cronkhite and Sherry's addition, and including Sherry's second addition to Sherrytown, and the east half of the east half of the southeast quarter of section 28, town 20, range 17 east.

III. Ward.—The third ward of said city shall contain all that portion lying north and east of the centre line of the south channel of Fox river and Little Lake Buttes des Mortes.

IV. Ward.—The fourth ward of said city shall contain all that lying south and west of the centre line of little lake Buttes des Morts, and west of the east line of L. B. Briens and Cronkhite and Sherry's and Sherry's 2d addition to Sherrytown, and all that portion lying west of the east half of the east half of the southeast quarter of section 28, town 20, range 17 east.

SECTION 4. Section one (1) of chapter two (2) of said act approved March 13th, 1873, is hereby amended so as to read as follows: Amended.

ELECTIONS.

The munincipal government of the city shall consist of a common council, composed of the mayor and two aldermen from each ward. The other officers shall consist of city clerk, city treasurer, city attorney, city surveyor, chief of police, street commissioner, one assessor from each ward, one justice of the peace at large for the city, one superintendent of schools, the last two named to be ineligible to hold any other munincipal office; also one justice of the peace for each ward, one chief engineer of the fire department, and such other officers and agents as may be provided for by this act, and such as the common council may from time to time appoint. The elective officers of said city shall be a mayor, treasurer, two aldermen from each ward, justice of the peace at large for the city, one justice of the peace for each

Elections.

Elective officers.

ward, one assessor from each ward, a county supervisor from each ward, and a superintendent of schools; all other officers necessary for the proper management of the affairs of said city shall, unless herein otherwise provided, be appointed by the mayor, by and with the consent of the common council. All elective officers except mayor, treasurer, assessor and county supervisors, shall, unless otherwise provided, hold their respective offices for two years and until their successors are elected and qualified. The mayor, treasurer, assessors and county supervisors, shall hold their respective offices for one year, and until their successors are elected and qualified: *Provided*, that at the first charter election held in said city after the creation of any new ward thereof there shall be elected in any such new ward that may have been so constructed or provided for, since the last charter election, one alderman from such ward for one year, and one alderman from such ward for two years; that the aldermen, justices of the peace, county supervisors, and assessors shall be residents and qualified voters in, and be elected by their respective wards, and the mayor, treasurer, city superintendent of schools and justices of the peace at large, shall be residents of and qualified voters in said city,

Elections—how conducted.

SECTION 5. It shall be the duty of the common council of said city, and they are hereby required to provide by appointment, at their last meeting before such election, required to be held in such new ward created in said city, three inspectors and one clerk, residents and qualified electors in such new ward so created, to conduct such election, and the common council shall also designate within said ward the place where such election shall be held, notice of such appointment and the place of holding such election to be published in the official paper of said city, if there be such, at least four days before the time of holding such election; such inspectors and clerks shall proceed in all respects in like manner aud have like powers in conducting such elections as is now conferred upon the alderman of said city.

Amended.

SECTION 6. Section three (3) of sub-chapter four (4) of chapter one hundred and fifty-one (151) of the laws ot 1873, entitled "an act to incorporate the city of Neenah," is hereby amended by adding after "clause thirty-one (31)" of said section three as follows:

Powers of council.

32nd. The common council shall have power to

open or discontinue any highways, streets, lanes, or alleys, and keep them free from incumbrance and protect them from injury, to alter or change the name of any street or alley within the city, to alter or change, or sub-divide the recorded plat of the city or any part thereof surveyed, platted or recorded in the office of the register of deeds of Winnebago county, such change to represent subdivisions made by deed subsequent to the date of the plat; to cause all out and in lots within said city, containing ten acres or less, that have not been platted and recorded by the authority of the common council, the adoption by the common council of a map embracing such changing and platting to be considered prima facie evidence of the grant of such authority, to approve or adopt by resolution all plats of private individuals made within the city, such approval or adoption to have reference only to the control of the common council, over the width and general direction of streets and alleys, and any person neglecting or refusing to present such plat for approval, shall forfeit and pay a sum not less than one hundred dollars, nor more than one thousand dollars, and the register of deeds who shall record such plat, without such resolution of adoption or approval duly certified by the clerk of the city, shall forfeit and pay a sum not less than fifty dollars nor more than one thousand dollars.

General survey.

33rd. The common council shall have power to authorize or adopt any general survey of the city and to cause to be recorded in the office of the register of of deeds, of Winnebago county, any map embracing such survey as the recorded map of said city.

Boards of health.

34th. The common council of said city shall have power to regulate boards of health, provide hospitals, to purchase or hold in whole or jointly with the town of Neenah, cemetery grounds within or without the corporate limits of said city, improve, fence and plat the same, dispose of burial lots therein at such price per lot as shall be established by said common council; to make conveyances therefor in the name of said city, such conveyances to be signed by the mayor and clerk of said city, to assume control jointly with the town of Neenah over cemetery grounds formerly belonging to said town of Neenah, of which said city formed a part thereof, and provide for the care of the same; to construct and keep in repair any sidewalk over any public highway leading from the corporate limits of said city to any such cemetery grounds.

Cemetery grounds.

ward, one assessor from each ward, a county supervisor from each ward, and a superintendent of schools; all other officers necessary for the proper management of the affairs of said city shall, unless herein otherwise provided, be appointed by the mayor, by and with the consent of the common council. All elective officers except mayor, treasurer, assessor and county supervisors, shall, unless otherwise provided, hold their respective offices for two years and until their successors are elected and qualified. The mayor, treasurer, assessors and county supervisors, shall hold their respective offices for one year, and until their successors are elected and qualified: *Provided*, that at the first charter election held in said city after the creation of any new ward thereof there shall be elected in any such new ward that may have been so constructed or provided for, since the last charter election, one alderman from such ward for one year, and one alderman from such ward for two years; that the aldermen, justices of the peace, county supervisors, and assessors shall be residents and qualified voters in, and be elected by their respective wards, and the mayor, treasurer, city superintendent of schools and justices of the peace at large, shall be residents of and qualified voters in said city,

Elections—how conducted.

SECTION 5. It shall be the duty of the common council of said city, and they are hereby required to provide by appointment, at their last meeting before such election, required to be held in such new ward created in said city, three inspectors and one clerk, residents and qualified electors in such new ward so created, to conduct such election, and the common council shall also designate within said ward the place where such election shall be held, notice of such appointment and the place of holding such election to be published in the official paper of said city, if there be such, at least four days before the time of holding such election; such inspectors and clerks shall proceed in all respects in like manner aud have like powers in conducting such elections as is now conferred upon the alderman of said city.

Amended.

SECTION 6. Section three (3) of sub-chapter four (4) of chapter one hundred and fifty-one (151) of the laws of 1873, entitled "an act to incorporate the city of Neenah," is hereby amended by adding after "clause thirty-one (31)" of said section three as follows:

Powers of council.

32nd. The common council shall have power to

open or discontinue any highways, streets, lanes, or alleys, and keep them free from incumbrance and protect them from injury, to alter or change the name of any street or alley within the city, to alter or change, or sub-divide the recorded plat of the city or any part thereof surveyed, platted or recorded in the office of the register of deeds of Winnebago county, such change to represent subdivisions made by deed subsequent to the date of the plat; to cause all out and in lots within said city, containing ten acres or less, that have not been platted and recorded by the authority of the common council, the adoption by the common council of a map embracing such changing and platting to be considered prima facie evidence of the grant of such authority, to approve or adopt by resolution all plats of private individuals made within the city, such approval or adoption to have reference only to the control of the common council, over the width and general direction of streets and alleys, and any person neglecting or refusing to present such plat for approval, shall forfeit and pay a sum not less than one hundred dollars, nor more than one thousand dollars, and the register of deeds who shall record such plat, without such resolution of adoption or approval duly certified by the clerk of the city, shall forfeit and pay a sum not less than fifty dollars nor more than one thousand dollars.

General survey.

33rd. The common council shall have power to authorize or adopt any general survey of the city and to cause to be recorded in the office of the register of of deeds, of Winnebago county, any map embracing such survey as the recorded map of said city.

Boards of health.

34th. The common council of said city shall have power to regulate boards of health, provide hospitals, to purchase or hold in whole or jointly with the town of Neenah, cemetery grounds within or without the corporate limits of said city, improve, fence and plat the same, dispose of burial lots therein at such price per lot as shall be established by said common council; to make conveyances therefor in the name of said city, such conveyances to be signed by the mayor and clerk of said city, to assume control jointly with the town of Neenah over cemetery grounds formerly belonging to said town of Neenah, of which said city formed a part thereof, and provide for the care of the same; to construct and keep in repair any sidewalk over any public highway leading from the corporate limits of said city to any such cemetery grounds.

Cemetery grounds.

ceeding municipal election, and the said commissioners and superintendent, before entering upon the duties of their offices, and within ten days after their election, shall take the oath of office prescribed by the constitution, and file the same with the city clerk of said city.

Terms of office.

SECTION 6. The terms of office of the board of education shall commence and expire on the first Monday in July, and the commissioners first selected, under the provisions of this act, from the first and third wards of said city, shall hold their office for one year only; but after such time they shall hold their office for two years, as provided in section three (3) of this chapter.

Clerk of board.

SECTION 7. The board of education of the city of Neenah, at its first annual meeting in July, shall elect by ballot some suitable person, an elector and resident of said city, not of their own number, to act as clerk of said board, who shall hold his office for one year, unless sooner removed for misconduct, incompetency or other sufficient cause, by a two-thirds vote of all the members of said board. Said board shall also, at their first annual meeting, determine the salary of said clerk, which shall not be increased nor diminished during his term of office.

His duties.

SECTION 8. The clerk of said board of education shall keep a full and correct record of the proceedings of said board, and all records and papers belonging thereto, which record, or a tarnscript thereof, certified to by the clerk and president of said board, shall be received in all courts as *prima facia* evidence of the fact therein set forth, and such records and all the books and accounts of said board shall be always subject to the proper inspection of any elector of said city, and the said books, records and accounts shall be the property of said board of education and their successors in office.

Shall take census.

SECTION 9. Between the first and tenth days of September in each year the said clerk shall take or cause to be taken a census of all the children residing in said city on the last day of August of such year, between the ages of four, and twenty years, and report the same to the state supreintendent of public instruction as provided in section thirty (30) of chapter twenty-three (23) of the Revised Statutes, and he shall perform such other duties as the board may prescribe, and shall have power to administer oaths and affirmations.

the state;" and provided further, that nothing in this act shall interfere with licenses already granted by said city.

CHAPTER 12.

EDUCATION.

SECTION 1. All the territory lying and being incorporated, or which may hereafter be incorporated in the city of Neenah, shall constitute one School District, for the better regulation and management of the Public Schools of said city. School district.

SECTION 2. The Public Schools of the city of Neenah, from and after the second Monday in July next, shall be under the general management, control and supervision of a Board of Education, consisting of one Commissioner from each ward, who shall be appointed by the Aldermen of such ward, subject to confirmation by the Common Council of said city, and a superintendent of schools, who shall be elected by the legal voters of said city, at the next municipal election, in the same manner as other elective officers of said city are elected. Public schools.

SECTION 3. The Commissioners selected under the provisions of this act shall hold their offices for two years, unless sooner removed for misconduct or other sufficient cause by a two-thirds vote of all the members of the common council of said city, except as hereinafter provided. Commissioners.

SECTION 4. The superintendent of schools of said city shall not be eligible to any other office connected with said city, and shall be *ex-officio* President of the Board of Education of said city, and shall hold his office for two years, unless sooner removed for misconduct or other sufficient cause by a two-thirds vote of all the members of the common council of said city. Superintendent of schools.

SECTION 5. The Commissioners and Superintendent selected under the provisions of this act, shall form the Board of Education of the city of Neenah, and a majority of said Board shall constitute a quorum for the transaction of business. It shall be the duty of the common council of said city to supply by appointment any vacancy which may occur in said Board, and in case a vacancy shall occur in the office of Superintendent, the common council shall supply such vacancy by appointment only until the next suc- Board of education.

of the board of education and the other copy delivered to the said teacher.

Vacations.

2nd. To arrange and determine terms and vacations in all public schools in said city, to establish uniformity in the school system, and to require and secure uniformity in text-books, and to adopt and reject text-books at will.

Text books.

To establish rules.

3d. To establish rules and regulations for the public schools of said city, not in conflict with the constitution and laws of this state; but the mayor and common council of said city may, in their discretion, do away with, amend, or abrogate any such rule or regulation by a majority vote of all the members of the common council of said city.

To make contracts.

4th. To make contracts for fuel, stationery and articles of furniture, required for the use of the schools, to make all necessary repairs in school-houses, to provide for building and lighting fires, sweeping and care of school-rooms, and all such contracts, when executed, shall be paid by orders drawn on the city treasurer, payable out of the school funds of said city, which orders shall be signed by the president of the board of education and countersigned by the clerk of said board.

Shall submit statement.

5th. The said board shall annually, on or before the first day of November in each year, submit a statement to the mayor and common council of said city, showing the amount of teachers' wages that have accrued and become due during the year, and the amount of all other indebtedness accruing on contract or otherwise, that has been made by order of the said board, and for that purpose they shall cause a record to be made in a book or books, provided by the city, of all contracts made by the teachers, and the amount of salary to be paid, and of all other expenditures made or authorized by said board at the time the same shall be made or authorized, which book or books shall be subject to inspection in the same manner as the records of the proceedings of said board; and they shall at the same time submit for the consideration of the common council, a statement of the estimate required for carrying on the schools for the ensuing year, specifying the amount required for teachers' wages and other items, separately and specifically; nothing in this section contained, however, shall prevent the mayor and common council from taking into consideration in the levy of school taxes, the amount to be received from

SECTION 10. The president of board of education shall preside at all meetings of the board when present, and in his absence one of their number shall be selected as president pro tem. He shall preserve order and decorum and decide all questions of order, subject to an appeal to the board; he shall sign all orders drawn by the clerk for the payment of teachers' and janitors' wages, and all other incidental expenses which may have been allowed by said board, (not including the salary of superintendent, or for their own services), and in all suits brought by or against the school district he shall appear in behalf of said district unless otherwise provided by the board of education. He shall declare the result of all questions coming before the board and upon all questions requiring the appropriation of moneys or adoption of text books; the ayes and noes shall be necessary to determine, and in case of a tie, said president shall have the casting vote. Any member of said board may require the ayes and noes upon any question submitted to them. **Duties of president of board.**

SECTION 11. The board of education shall have at least one regular meeting in each month, at such time and place as shall be designated by them, and they may hold special meetings at such other times as they may deem necessary, or when called together by the president of said board; but no such special meeting shall be legal unless each member of said board shall have first been served with notice in writing of the time and place of such meeting. **Board shall meet once in each month.** **Written notices to be served.**

SECTION 12. The city superintendent of schools shall receive an annual salary, to be paid quarterly, the amount of which shall be determined from year to year by the mayor and common council of said city. **Salary.**

SECTION 13. The duties of the board of education shall be as follows: **Duties of board.**

1st. To decide upon the number of teachers to be employed, the grade of schools to be kept by each, and the amount of salary to be paid each, and to hire and make contracts with teachers, and before any teacher shall enter upon his or her duties as such, he or she shall enter into a written contract, which contract shall be signed by such teacher and by the president of said board of education or by some member thereof, designated for that purpose by resolution of said board. Such contract shall be made in duplicate, and one copy thereof filed with the clerk **To hire teachers.**

of the board of education and the other copy delivered to the said teacher.

Vacations.

2nd. To arrange and determine terms and vacations in all public schools in said city, to establish uniformity in the school system, and to require and secure uniformity in text-books, and to adopt and reject text-books at will.

Text books.

To establish rules.

3d. To establish rules and regulations for the public schools of said city, not in conflict with the constitution and laws of this state; but the mayor and common council of said city may, in their discretion, do away with, amend, or abrogate any such rule or regulation by a majority vote of all the members of the common council of said city.

To make contracts.

4th. To make contracts for fuel, stationery and articles of furniture, required for the use of the schools, to make all necessary repairs in school-houses, to provide for building and lighting fires, sweeping and care of school-rooms, and all such contracts, when executed, shall be paid by orders drawn on the city treasurer, payable out of the school funds of said city, which orders shall be signed by the president of the board of education and countersigned by the clerk of said board.

Shall submit statement.

5th. The said board shall annually, on or before the first day of November in each year, submit a statement to the mayor and common council of said city, showing the amount of teachers' wages that have accrued and become due during the year, and the amount of all other indebtedness accruing on contract or otherwise, that has been made by order of the said board, and for that purpose they shall cause a record to be made in a book or books, provided by the city, of all contracts made by the teachers, and the amount of salary to be paid, and of all other expenditures made or authorized by said board at the time the same shall be made or authorized, which book or books shall be subject to inspection in the same manner as the records of the proceedings of said board; and they shall at the same time submit for the consideration of the common council, a statement of the estimate required for carrying on the schools for the ensuing year, specifying the amount required for teachers' wages and other items, separately and specifically; nothing in this section contained, however, shall prevent the mayor and common council from taking into consideration in the levy of school taxes, the amount to be received from

the state, from the income of the school fund, and the amount to be received from the county school tax during the ensuing year.

Repairs.

SECTION 14. Whenever repairs to a larger amount than one hundred dollars shall in the opinion of the board of education be required for any one school house, they shall cause a statement to be made showing the repairs required and an estimate of the costs thereof, which statement and estimate shall be laid before the mayor and common council of said city at their next meeting, and whenever in their opinion another school house shall be required, they shall cause estimates of the cost of a site for such house or houses, and a plan of the proposed building or buildings together with the estimates of the cost of the same, to be made by some persons of competent ability and experience, and shall submit the same for the consideration of the mayor and common council of said city, who shall forthwith proceed to provide by tax or otherwise for the amount necessary to defray the cost of such repairs, or the erection of such building or buildings and the purchase of such site or sites, unless there shall be a two-thirds majority of all the members of the common council of said city against such appropriations and improvement, in which case such proposed repairs shall not be made, nor shall such site or sites be purchased, or buildings be erected. But if a two-thirds majority of said council be not opposed to such improvements and appropriations, it shall be the duty of said board of education, to enter into contracts for making such repairs as [or] for the erection of such buildings as [or] for the purchase of such sites, whenever it shall be made to appear that the necessary tax for the same has been levied or authorized by the mayor and common council of said city.

When additional school-house shall be required.

Duty of president.

SECTION 15. It shall be the duty of the president and clerk of the board of education to draw orders on the city treasurer, payable out of the school fund, for teachers' and janitors' wages, and all other appropriations and expenditures authorized by this act.

No member shall be interested in contract.

SECTION 16. No member of the board of education shall have any interest, directly or indirectly, in any contract made by said board, and every contract so made, in which any member of said board shall have such interest, shall be absolutely void.

Duties of city superintendent

SECTION 17. The duties of the city superintendent shall be as follows:

To examine teachers.

1st. To examine all applicants for a license to teach in the public schools of said city, and if approved to grant certificates therefor.

May annul certificates.

2d. To annul teachers' certificates whenever he may think proper, provided that such teacher shall have the right to appeal to the board of education.

To visit schools.

3d. To visit each school or school department in said city at least once during each month.

To report text books.

4th. To report, for the consideration of the board of education, such text books as he may think advisable and proper for the use of the schools, and to report such alterations therein from time to time as he may think most beneficial for the schools of said city.

To report condition of schools.

5th. To report to the board of education, at such regular meeting, relative to the condition of the schools under his supervision, and particularly as to the average attendance at each school since the previous regular meeting; to make such recommendations as shall, in his judgment, conduce to their welfare, and perform such other duties as may be required of him by the said board of education.

Shall report number of children.

6th. He shall, between the first and tenth days of September in each year, make a statement of the number of children, male and female, designated separately, over the age of four and under the age of twenty years, enumerated by words, residing in the city on the last day of August previous to the day of such report, and shall on or before the tenth day of October in each year make and transmit to the state superintendent a report containing the facts set forth in section forty-three of the general school laws, a copy of which report he shall present to the board of education at their first meeting thereafter.

Shall attend meetings of board.

7th. He shall attend all the meetings of the board of education, and make such suggestions as he may think advisable, relative to the government of the schools in said city.

Property to be vested in board.

SECTION 18. The real and personal property of school districts number one and number two, of the city of Neenah and any portion of any joint school district lying and being within the corporate limits of said city, shall be and hereby is vested in the board of education of said city of Neenah, and the district clerk of any and all such school districts, shall on or before the third Monday of July next, turn over all books, papers or other property belonging to his district, to the city board of education, of the said city

of Neenah, and the president of the said board of education shall receipt to any and every such district clerk for all property so received by said board; and the school district treasurers of all such districts shall in like manner turn over to the city treasurer of said city of Neenah, all the moneys, books and vouchers in his hands belonging to said district, and the said city treasurer shall in like manner receipt to said treasurers and each of them for all such money, books or papers so received by him, and the school board of said districts or joint districts, lying and being within the corporate limits of said city of Neenah aforesaid, shall on or before the third Monday in July next, execute and convey all the real property of their districts lying within said city, to the said board of education.

May receive and disburse money.

SECTION 19. Nothing in this act shall prevent the present board of said school districts from receiving and disbursing the county school moneys belonging to said districts, before the expiration of their term of office under this act.

How money shall be disbursed.

SECTION 20. All moneys received or collected for school purposes in said city, shall be disbursed by the city treasurer of said city, only upon orders duly signed by the president and clerk of the board of education of said city, and the said city treasurer and his sureties shall be held accountable to said board of education, for all moneys which may come into his hands belonging to the school fund of said city, in the same manner as he is liable for moneys coming into his hands as city treasurer.

Children not resident may attend schools.

SECTION 21. Said board of education shall have power to allow children of persons not residing within the city to attend any of the schools in said city upon such terms as said board shall by resolution prescribe.

Board to be trustees of library.

SECTION 22. The said board of education shall be trustees of the district library in said city, and all the provisions of law which now are or hereafter may be passed relating to district school librairies, shall apply to the said board in the same manner as if they were the trustees of an ordinary school district. They shall also be vested with the discretion as to the disposition of the money appropriated by any law of the state for the purchase of librairies, which is therein conferred upon the inhabitants of school districts. It shall be their duty, whenever they shall deem it advisable, to provide a library room and all the neces-

Duties as such.

sary furniture therefore, to appoint a librairian, t make all purchases of books for said library, and fron time to time to exchange or cause to be repaired th damaged books belonging thereto. They may als sell any books they may deem useless or of an im proper character, and apply the proceeds to the pur chase of other books.

Shall publish report.

SECTION 23. It shall be the duty of the said board in the month of July of each year, to publish in th official paper of said city, if there be such, a full re port of their doings for the preceding year.

Shall be subject to rules of state superintendent.

SECTION 24. The said board shall be subject to th rules and regulations which have been or may be mad by the state superintendent of public instruction, s far as the same may be applicable to them and no inconsistent with the provisions of this act.

Exempt from jurisdiction.

SECTION 25. The territory embraced within th city limits is hereby declared to be and is indepen dent of the jurisdiction of the county superintenden of schools of Winnebago county, and exempt fron all taxation for his support and salary.

Repealed.

SECTION 26. All acts or parts of acts contraven ing the provisions of this act, are hereby repealed.

SECTION 27. This act shall take effect and be forc from and after its passage and publication.

Approved February 24, 1875.

CHAPTER 53.

[*Published March* 1, 1875.]

AN ACT to re-enact section nine (9) of chapter one hundred an twenty-three (123) of the Revised Statutes, entitled, "Of the plac of trial in civil actions," and to amend said section nine (9), and t prevent abuses in changing of venue.

The people of the state of Wisconsin, represented in Senate and Assembly, do enact as follows:

Re-enacted.

SECTION 1. Section nine (9,) of chapter one hun dred and twenty-three (123,) of the Revised Statutes entitled, "Of the place of trial," is hereby re-enacted and is amended to be and read as follows: "When the place of trial is changed as provided in this chapter (to-wit: said chapter one hundred and twenty-three (123,) of the Revised Statutes) it shall be changed to some county where the causes complained of do not

Of change of venue.

exist; and no more than one change of the place of trial under section eight (8) of this chapter (to wit: said chapter one hundred and twenty-three (123) of the Revised Statutes), shall be awarded to the same party in any action, unless by stipulation between the parties.

When to be granted.

SECTION 2. No application for a change of place of trial shall be granted in any case after one continuance has been had by the party applying for the same, unless it shall appear to the court that the cause therefor has been discovered or developed after such continuance.

Costs to be first paid.

SECTION 3. Whenever in any civil action a party shall apply for a change of the place of trial under the provisions of section eight (8) of chapter one hundred and twenty-three (123) of the Revised Statutes, at any term of court for which such action is noticed for trial, no order shall be made for such change of place of trial, unless the party applying therefor shall first pay to the opposite party the costs and disbursements incurred by him for such term and such attorney's fees not exceeding twenty-five dollars, as the court shall order, unless the party moving for such change shall have served upon the opposite party, at least ten days before the term, notice thereof, and a copy of the affidavit or petition upon which the same is based, and file his motion for change and the affidavit or petition upon which the same is based, on or before the first day of the term.

Repealed.

SECTION 4. All acts or parts of acts conflicting with any of the provision of this act, are hereby repealed so far as they conflict or contravene any of the provisions of this act; *provided*, nothing contained in this act shall affect any motion noticed for hearing and now pending for a change of venue under the statute as it existed prior to the passage of this act.

SECTION 5. This act shall take effect and be in full force from and after its passage.

Approved February 24, 1875.

Amended.

SECTION 7. Section 5, of sub-chapter 5, of sa
chapter 151, is hereby amended so as to read as fo

Premises to be taken.

lows: Section 5. The said jurors shall thereup
choose a foreman of their number, and agree upon
time when they will proceed in a body to view t
premises in question, of which time, place, and pu
pose of said "view," said foreman shall cause a noti
to be given to each owner of the premises propos
to be taken, if known, and a resident of said city,
if the owner or owners thereof shall be unknown,
non-resident of said city, and said premises shall
occupied or in the possession, or care of any one, th
such notice may be given to the occupant, or pers
in possession thereof, or to such agent of such own
or if such owner shall be a non-resident of said ci
and have no known agents therein, and said premi
shall not be occupied or in the possession of any o
then such notice may be given by depositing in
post office in a sealed envelope, postage-paid, and
rected to such owner or owners at his or their l
known place of residence, a written notice, signed
said foreman, of the time, place and purpose of s
"view," (in which case the time therein stated sh
be such as will give such owner a reasonable time
be present at the assembling of said jury at s
premises), and at the time so agreed upon, or su
other time as a majority of said jury shall adjourn
(of which time notice as aforesaid shall be given), s
jurors shall proceed in a body to view the premi
in question, and shall hear such testimony as may
offered by any party interested, which testimo
shall be reduced to writing by one of said juro
and either of the jurors shall be authorized to adm
ister the necessary oaths to witnesses. Section 3,

Amended.

sub-chapter 4, of said chapter 151, is hereby amen
by striking out of the last part of sub-division 1s
said section 3, the following words, "and that no
cense shall be granted for a less time than one y

License.

from the date of filing the application for such lice
in the office of the city clerk; and in case the per
so applying for a license shall have a former lice
within the year next preceding such application, t
such license shall be granted for the term of one y
from the date of the expiration of such former
cense," so that the proviso in said sub-division 1s
amended will read as follows: "provided, that
sum to be paid for any such license shall not be
than the amount fixed and provided by the law

that such associations may also be formed in anner, and may take, hold and occupy any r parcel of ground heretofore set apart or dedi- or used or heretofore occupied as a public ground, for the purpose of preserving and car- the same, and such associations shall not be ed in platting such ground to designate more e boundaries thereof; but no such association purpose in this proviso stated, shall be formed in addition to the requirements prescribed by ch person taking part in perfecting such or- ion is interested in the ground proposed to be en by such association, by having deceased es buried therein; but nothing contained in t shall be construed as conferring any rights al of the dead where the same are now pro- by law, or the ordinance of any incorporated village.

May hold land.

ION 2. No such association for the purpose before stated shall be formed unless in addition requirements now prescribed by law each taking part in perfecting such organizations e interested in the ground proposed to be so by such association by having deceased rela- uried therein.

Persons to be interested in grounds.

ION 3. Nothing contained in this act shall be trued as conferring any rights of burial of the here the same are now prohibited by law, or inances of any incorporated city or village.

Where rights of burial prohibited.

ION 4. This act shall be in force from and af- passage and publication.

roved February 24, 1875.

CHAPTER 56.

[*Published March* 1, 1875.]

to more fully define and punish the crime of bribery, com- at or before elections.

ople of the state of Wisconsin, represented Senate and Assembly, do enact as follows:

ION 1. If any person, directly or indirectly, or way whatsoever, give or promise to give to ector or to any society or corporation, any or thing of value for the purpose of inducing

Unlawful to give or promise money or thing of value to electors.

ceeding municipal election, and the said commissio ers and superintendent, before entering upon the d ties of their offices, and within ten days after th election, shall take the oath of office prescribed the constitution, and file the same with the city cle of said city.

Terms of office. SECTION 6. The terms of office of the board education shall commence and expire on the fi Monday in July, and the commissioners first select under the provisions of this act, from the first a third wards of said city, shall hold their office for o year only; but after such time they shall hold th office for two years, as provided in section three (3) this chapter.

Clerk of board. SECTION 7. The board of education of the city Neenah, at its first annual meeting in July, sh elect by ballot some suitable person, an elector a resident of said city, not of their own number, to as clerk of said board, who shall hold his office for o year, unless sooner removed for misconduct, inco petency or other sufficient cause, by a two-thirds vo of all the members of said board. Said board sh also, at their first annual meeting, determine the s ary of said clerk, which shall not be increased n diminished during his term of office.

His duties. SECTION 8. The clerk of said board of educati shall keep a full and correct record of the proceedin of said board, and all records and papers belongi thereto, which record, or a tarnscript thereof, cer fied to by the clerk and president of said board, sh be received in all courts as *prima facia* evidence the fact therein set forth, and such records and all t books and accounts of said board shall be always su ject to the proper inspection of any elector of sa city, and the said books, records and accounts sh be the property of said board of education and th successors in office.

Shall take census. SECTION 9. Between the first and tenth days September in each year the said clerk shall take cause to be taken a census of all the children residi in said city on the last day of August of such ye between the ages of four, and twenty years, and rep the same to the state supreintendent of public i struction as provided in section thirty (30) of chapt twenty-three (23) of the Revised Statutes, and shall perform such other duties as the board may pr scribe, and shall have power to administer oaths a affirmations.

ON 10. The president of board of education eside at all meetings of the board when pre- d in his absence one of their number shall be as president pro tem. He shall preserve nd decorum and decide all questions of order, to an appeal to the board; he shall sign all drawn by the clerk for the payment of teach- janitors' wages, and all other incidental ex- which may have been allowed by said board, cluding the salary of superintendent, or for n services), and in all suits brought by or the school district he shall appear in behalf istrict unless otherwise provided by the board tion. He shall declare the result of all ques- ming before the board and upon all ques- quiring the appropriation of moneys or adop- text books; the ayes and noes shall be neces- determine, and in case of a tie, said president ve the casting vote. Any member of said ay require the ayes and noes upon any ques- omitted to them.

Duties of president of board.

ON 11. The board of education shall have at e regular meeting in each month, at such d place as shall be designated by them, and y hold special meetings at such other times may deem necessary, or when called together president of said board; but no such special shall be legal unless each member of said all have first been served with notice in writ- he time and place of such meeting.

Board shall meet once in each month.

Written notices to be served.

ON 12. The city superintendent of schools ceive an annual salary, to be paid quarterly, unt of which shall be determined from year by the mayor and common council of said

Salary.

ON 13. The duties of the board of education as follows:

Duties of board.

To decide upon the number of teachers to be d, the grade of schools to be kept by each, amount of salary to be paid each, and to hire ke contracts with teachers, and before any shall enter upon his or her duties as such, he hall enter into a written contract, which con- all be signed by such teacher and by the nt of said board of education or by some r thereof, designated for that purpose by res- of said board. Such contract shall be made icate, and one copy thereof filed with the clerk

To hire teachers.

of the board of education and the other copy del
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Vacations.

2nd. To arrange and determine terms and vacati
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Text books.

To establish rules.

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city treasurer, payable out of the school funds of s
city, which orders shall be signed by the president
the board of education and countersigned by
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Shall submit statement.

5th. The said board shall annually, on or bef
the first day of November in each year, submi
statement to the mayor and common council of s
city, showing the amount of teachers' wages t
have accrued and become due during the year, a
the amount of all other indebtedness accruing on c
tract or otherwise, that has been made by order
the said board, and for that purpose they shall ca
a record to be made in a book or books, provided
the city, of all contracts made by the teachers, a
the amount of salary to be paid, and of all other
penditures made or authorized by said board at
time the same shall be made or authorized, wh
book or books shall be subject to inspection in
same manner as the records of the proceedings
said board; and they shall at the same time sub
for the consideration of the common council, a sta
ment of the estimate required for carrying on
schools for the ensuing year, specifying the amou
required for teachers' wages and other items, sep
ately and specifically; nothing in this section c
tained, however, shall prevent the mayor and co
mon council from taking into consideration in
levy of school taxes, the amount to be received fr

e state, from the income of the school fund, and e amount to be received from the county school x during the ensuing year.

SECTION 14. Whenever repairs to a larger amount an one hundred dollars shall in the opinion of the ard of education be required for any one school use, they shall cause a statement to be made show- g the repairs required and an estimate of the costs ereof, which statement and estimate shall be laid fore the mayor and common council of said city their next meeting, and whenever in their opinion other school house shall be required, they shall use estimates of the cost of a site for such house or uses, and a plan of the proposed building or build- gs together with the estimates of the cost of the me, to be made by some persons of competent abil- and experience, and shall submit the same for e consideration of the mayor and common council said city, who shall forthwith proceed to provide tax or otherwise for the amount necessary to de- y the cost of such repairs, or the erection of such ilding or buildings and the purchase of such site sites, unless there shall be a two-thirds majority of the members of the common council of said city ainst such appropriations and improvement, in hich case such proposed repairs shall not be made, r shall such site or sites be purchased, or buildings erected. But if a two-thirds majority of said uncil be not opposed to such improvements and ap- opriations, it shall be the duty of said board of ed- ation, to enter into contracts for making such re- irs as [or] for the erection of such buildings as [or] for e purchase of such sites, whenever it shall be made appear that the necessary tax for the same has en levied or authorized by the mayor and common uncil of said city.

Repairs.

When additional school-house shall be required.

SECTION 15. It shall be the duty of the president d clerk of the board of education to draw orders the city treasurer, payable out of the school fund, teachers' and janitors' wages, and all other appro- iations and expenditures authorized by this act.

Duty of president.

SECTION 16. No member of the board of educa- n shall have any interest, directly or indirectly, in y contract made by said board, and every contract made, in which any member of said board shall ve such interest, shall be absolutely void.

No member shall be interested in contract.

SECTION 17. The duties of the city superintend- t shall be as follows:

Duties of city superintendent

of the board of education and the other copy de
ered to the said teacher.

Vacations.

2nd. To arrange and determine terms and vacat
in all public schools in said city, to establish unifo
ity in the school system, and to require and se
uniformity in text-books, and to adopt and re
text-books at will.

Text books.

To establish rules.

3d. To establish rules and regulations for
public schools of said city, not in conflict with
constitution and laws of this state; but the ma
and common council of said city may, in their
cretion, do away with, amend, or abrogate any s
rule or regulation by a majority vote of all the m
bers of the common council of said city.

To make contracts.

4th. To make contracts for fuel, stationery
articles of furniture, required for the use of
schools, to make all necessary repairs in school-hou
to provide for building and lighting fires, sweep
and care of school-rooms, and all such contra
when executed, shall be paid by orders drawn on
city treasurer, payable out of the school funds of
city, which orders shall be signed by the presiden
the board of education and countersigned by
clerk of said board.

Shall submit statement.

5th. The said board shall annually, on or bef
the first day of November in each year, submi
statement to the mayor and common council of
city, showing the amount of teachers' wages
have accrued and become due during the year,
the amount of all other indebtedness accruing on c
tract or otherwise, that has been made by order
the said board, and for that purpose they shall ca
a record to be made in a book or books, provided
the city, of all contracts made by the teachers,
the amount of salary to be paid, and of all other
penditures made or authorized by said board at
time the same shall be made or authorized, wh
book or books shall be subject to inspection in
same manner as the records of the proceedings
said board; and they shall at the same time subm
for the consideration of the common council, a sta
ment of the estimate required for carrying on
schools for the ensuing year, specifying the amou
required for teachers' wages and other items, sep
ately and specifically; nothing in this section c
tained, however, shall prevent the mayor and co
mon council from taking into consideration in
levy of school taxes, the amount to be received fr

state, from the income of the school fund, and amount to be received from the county school during the ensuing year.

CTION 14. Whenever repairs to a larger amount one hundred dollars shall in the opinion of the d of education be required for any one school e, they shall cause a statement to be made show- he repairs required and an estimate of the costs of, which statement and estimate shall be laid e the mayor and common council of said city eir next meeting, and whenever in their opinion her school house shall be required, they shall e estimates of the cost of a site for such house or es, and a plan of the proposed building or build- together with the estimates of the cost of the , to be made by some persons of competent abil- nd experience, and shall submit the same for consideration of the mayor and common council id city, who shall forthwith proceed to provide ax or otherwise for the amount necessary to de- the cost of such repairs, or the erection of such ling or buildings and the purchase of such site es, unless there shall be a two-thirds majority of e members of the common council of said city st such appropriations and improvement, in h case such proposed repairs shall not be made, hall such site or sites be purchased, or buildings rected. But if a two-thirds majority of said cil be not opposed to such improvements and ap- riations, it shall be the duty of said board of ed- on, to enter into contracts for making such re- as [or] for the erection of such buildings as [or] for urchase of such sites, whenever it shall be made ppear that the necessary tax for the same has levied or authorized by the mayor and common cil of said city.

Repairs.

When additional school-house shall be required.

CTION 15. It shall be the duty of the president clerk of the board of education to draw orders e city treasurer, payable out of the school fund, eachers' and janitors' wages, and all other appro- ions and expenditures authorized by this act.

Duty of president.

CTION 16. No member of the board of educa- shall have any interest, directly or indirectly, in contract made by said board, and every contract ade, in which any member of said board shall such interest, shall be absolutely void.

No member shall be interested in contract.

CTION 17. The duties of the city superintend- hall be as follows:

Duties of city superintendent

To examine teachers.

1st. To examine all applicants for a license to teach in the public schools of said city, and if approved to grant certificates therefor.

May annul certificates.

2d. To annul teachers' certificates whenever he may think proper, provided that such teacher shall have the right to appeal to the board of education.

To visit schools.

3d. To visit each school or school department in said city at least once during each month.

To report text books.

4th. To report, for the consideration of the board of education, such text books as he may think advisable and proper for the use of the schools, and to report such alterations therein from time to time as he may think most beneficial for the schools of said city.

To report condition of schools.

5th. To report to the board of education, at such regular meeting, relative to the condition of the schools under his supervision, and particularly as to the average attendance at each school since the previous regular meeting; to make such recommendations as shall, in his judgment, conduce to their welfare, and perform such other duties as may be required of him by the said board of education.

Shall report number of children.

6th. He shall, between the first and tenth days of September in each year, make a statement of the number of children, male and female, designated separately, over the age of four and under the age of twenty years, enumerated by words, residing in the city on the last day of August previous to the day of such report, and shall on or before the tenth day of October in each year make and transmit to the state superintendent a report containing the facts set forth in section forty-three of the general school laws, a copy of which report he shall present to the board of education at their first meeting thereafter.

Shall attend meetings of board.

7th. He shall attend all the meetings of the board of education, and make such suggestions as he may think advisable, relative to the government of the schools in said city.

Property to be vested in board.

SECTION 18. The real and personal property of school districts number one and number two, of the city of Neenah and any portion of any joint school district lying and being within the corporate limits of said city, shall be and hereby is vested in the board of education of said city of Neenah, and the district clerk of any and all such school districts, shall on or before the third Monday of July next, turn over all books, papers or other property belonging to his district, to the city board of education, of the said city

Neenah, and the president of the said board of ed-
tion shall receipt to any and every such district
k for all property so received by said board; and
school district treasurers of all such districts shall
ike manner turn over to the city treasurer of said
of Neenah, all the moneys, books and vouchers
his hands belonging to said district, and the said
treasurer shall in like manner receipt to said
asurers and each of them for all such money,
ks or papers so received by him, and the school
rd of said districts or joint districts, lying and be-
within the corporate limits of said city of Nee-
aforesaid, shall on or before the third Monday in
y next, execute and convey all the real property of
ir districts lying within said city, to the said board
education.

SECTION 19. Nothing in this act shall prevent the
sent board of said school districts from receiving
disbursing the county school moneys belonging
aid districts, before the expiration of their term of
ce under this act.

May receive and disburse money.

SECTION 20. All moneys received or collected for
ool purposes in said city, shall be disbursed by the
treasurer of said city, only upon orders duly
ned by the president and clerk of the board of ed-
tion of said city, and the said city treasurer and
sureties shall be held accountable to said board of
cation, for all moneys which may come into his
ds belonging to the school fund of said city, in
same manner as he is liable for moneys coming
his hands as city treasurer.

How money shall be disbursed.

SECTION 21. Said board of education shall have
ver to allow children of persons not residing with-
the city to attend any of the schools in said city
on such terms as said board shall by resolution
scribe.

Children not resident may attend schools.

SECTION 22. The said board of education shall be
stees of the district library in said city, and all
provisions of law which now are or hereafter may
passed relating to district school librairies, shall
ly to the said board in the same manner as if they
e the trustees of an ordinary school district. They
ll also be vested with the discretion as to the dis-
ition of the money appropriated by any law of the
e for the purchase of librairies, which is therein
ferred upon the inhabitants of school districts. It
ll be their duty, whenever they shall deem it ad-
able, to provide a library room and all the neces-

Board to be trustees of library.

Duties as such.

Commencement of term.

SECTION 14. All the village officers of the vill of Oconomowoc shall hold their respective offi until their successors shall be elected or appointed qualified under this act; and the term of every offi elected under this act shall commence the sec Tuesday of April of the year for which he was elec and shall, unless herein otherwise provided, conti for one year and till his successor is elected and qu ified.

Duties to be performed by village trustees

SECTION 15. All duties herein required of the council in regard to elections shall be perform so far as may be necessary, by the present vill board of trustees of Oconomowoc and the clerk the of in regard to the first election and the organizat of the city government under this act.

First election.

SECTION 16. The first election of officers un the provisions of this act shall be held on the f Tuesday in April, A. D. 1875. The election of j tices of the peace shall be held at the same time place, and so every two years thereafter; and the j tices of the peace now residing in the village of Oc omowoc shall hold their offices until their terms office expire in addition to any justices who may elected under this act.

When new election to be ordered.

SECTION 17. Should there be a failure by the p ple to elect any officer herein required to be elec on the day designated, the common council n order a new election to be held, ten days' notice the time and place of holding the election first be given.

CHAPTER III.

OFFICERS—THEIR POWERS AND DUTIES.

Oath of office.

SECTION 1. Every person elected or appointed any office under the provisions of this act, except j tices of the peace, shall, before he enters upon duties of his office, take and subcribe an oath of off and file the same, duly certified by the officer tak the same, with the clerk of the city; and the tr urer, clerk, marshal, and such other officers as common council may direct, shall severally, bef they enter upon the duties of their respective offi execute to the city of Oconomowoc, a bond with least two sureties, who shall swear that they are wo in the aggregate the penalty specified in said bo over and above all debts, exemptions or liabilit

Officers to enter into bonds.

aid bond shall contain such penal sum, and such tions as the common council may deem proper; ey may, from time to time, require new addition- nds, and remove from office any officer refusing glecting to give the same.

TION 2. The mayor shall, when present, preside the meetings of the common council, and take hat the laws of the state and the ordinances of ty are duly observed and enforced, and that all executive officers of the city discharge their res- e duties. He shall, from time to time, give the non council such information and recommend measures as he may deem advantageous to the The mayor shall be the chief executive officer ead of the police of the city, and in case of a r other disturbance, or apparent necessity, he appoint as many special or temporary policemen may deem necessary. The mayor shall have a n all cases.

Duties of mayor.

TION 3. At the first meeting of the common il in each year, they shall proceed to elect, by , one of their number president, and in the ab- of the mayor, the said president shall preside the meetings of the common council, and during osence of the mayor from the city, or his inabil- r any reason to discharge the duties of his office, aid president shall exercise all the powers and arge all the duties of the mayor. In case the r and president shall be absent at any meeting e common council, they shall proceed to elect a orary presiding officer, who, for the time being, discharge all the duties of the mayor. The pres- , or temporary presiding officer, while presiding the board, or performing the duties of mayor, be styled acting mayor, and acts performed by , or any of them, shall have the same force and ity as if performed by the mayor; and the said non council shall also, at their first meeting in year, elect a marshal and a street commissioner e city, who shall hold their respective offices for erm of one year, and until others are qualified.

President.

Acting mayor.

TION 4. The clerk shall keep the corporate seal d city, and all the papers and records of the and keep a record of the proceedings of the non council, at whose meetings it shall be his to attend; and copies of all papers filed in his , and transcripts from the records of the com- council, certified by him to have been compared

Clerk.

by him with the originals, and to be a co
transcript therefrom, under the corporate seal, s
be evidence in all courts and places, in like ma
as if the originals were produced. He shall d
and countersign all orders on the treasury, in
suance of any order or resolution of the com
council, and keep a full and accurate account the
in books provided for that purpose. He shall fil
his office all chattel mortgages and contracts, or
of sale, presented to him for that purpose, and
renewals thereof, and safely keep the same, recei
therefor the same compensation as clerks of to
and all chattel mortgages, contracts and bills of
so filed, and the renewals thereof, shall be as
and legal as if the same had been filed in the t
clerk's office in any town: *Provided, however*
chattel mortgages, contracts and bills of sale, d
ments and records on file and in the village cl
office of the village of Oconomowoc at the time
act shall take effect, shall remain in his office an
and remain of the same force and effect as if this
had not passed. The clerk of said city shall
full power and authority to administer oaths or
mations, and to certify to the same by virtue o
office. The clerk shall receive such compensatio
the common council shall provide by ordinanc
resolution.

Justice of the peace.

SECTION 5. The justicies of the peace elected u
this act shall have the same and equal jurisdic
and perform all and like duties of justices of
peace, and shall qualify in the same manner, as
vided by the general laws of this state, except
the official bonds or agreements required to be g
by them shall be approved by the mayor of said
and in addition to their said jurisdiction, they
have exclusive jurisdiction in all cases arising u
this act, and the ordinances, resolutions and by-
passed by said city council unless otherwise
vided. All constables elected by virtue of this
shall have and exercise the same powers and du
and be subject to the same liabilities as constabl
towns in this state, and shall give like bonds
approved by the mayor and take and subscribe
oaths therewith which shall be filed in the offi
the city clerk.

Treasurer.

SECTION 6. The treasurer of said city shall per
such duties and excercise such powers as ma
lawfully required of him by the ordinances of said

laws of this state. All moneys raised, received, red or collected by means of any tax, license, y, forfeiture, fine or otherwise, belonging to ty under the authority of this act, shall be paid e treasury of said city, and shall not be drawn rom except by an order issued by order of the on council and signed by the mayor and rsigned or attested by the clerk. He shall an accurate account of all moneys or other coming into his hands as treasurer, in a book provided for that purpose, which shall remain operty of the city, wherein he shall note the hen, and the person from whom the amount several sums was received, which book shall at sonable times be open to the inspection of any . He shall, every three months, and as often common council require, render to such coun- inute account of the receipts and expenditures office, and at the expiration of his office he hand over to his successor all moneys, books, and property in his possession belonging to ty. The said treasurer shall also be collector es in and for said city, and for his services he eceive the same compensation, except as here- erwise provided, and he shall have the same and be subject to the same liabilities, and be ed by the same laws as treasurers of towns in tate; *provided*, that he shall receive no other cept the compensation hereinafter provided.

ION 7. The marshal shall attend all the meet- f the common council, unless excused by the l, and shall perform such duties as shall be ibed by the common council for the preserva- f the public peace, and collection of license s and fines. He shall possess all the powers thority of constables of towns, and be subject same liabilities. It shall be his duty to exe- nd return all writs and processes to him d, and, when necessary, in criminal cases, or violation of any ordinance of said city or law state, may pursue and serve the same in any f this state. It shall be his duty to suppress s, disturbances and breaches of the peace, and ove all obstructions in the streets and alleys of ty, and to abate all nuisances in said city, to end, with or without warrant, any person in of committing any offense against any ordin- f said city or laws of this state, and within

Marshal.

reasonable time bring such persons before compe
authority for examination; and for such service
shall receive such fees as are allowed by law to
stables for like services in this state. He shall
power to appoint one or more deputies, subject to
approval of the common council, but for w
official acts he shall be responsible, and of whom
may require bonds for the faithful discharge of
duties; such deputies shall also take and subs
the proper oath of office, which shall be filed
the city clerk, and when duly qualified as afore
such deputies shall possess like powers and auth
and be subject to the same liabilities with the
shal.

Further duties of officers.

SECTION 8. The common council shall have
power from time to time to require other and fu
duties to be performed by any officer whose dutie
herein prescribed, and to appoint such other off
as may be necessary to carry into effect the pr
ions of this act, and to prescribe their duties an
the compensation of all officers elected or appoi
by them; such compensation shall be fixed by res
tion at the time the office is created, or at the
mencement of the year, and shall not be increase
diminished during the term such officer shall re
in office or for which he is elected or appointed.

Compensation of same.

In case of failure to deliver books, papers &c.

SECTION 9. If any person, having been an o
in said city, shall not, within ten days after noti
tion and request, deliver to his successor in offic
property, books, papers and effects belonging to
city, pertaining to the office he may have hel
shall forfeit and pay to the use of the city, one
dred dollars, besides all damages caused by his
lect or refusal so to deliver over the same; and
successor may recover possession of such books
pers and effects in the manner prescribed by the
of this state.

Officers not to be interested in contract with the city.

SECTION 10. No mayor, street commissione
alderman shall be a party to, or interested in an
or contract with the city or any of the wards the
and any contract in which any mayor, street com
sioner or alderman may be so interested shall be
and void; and in case any money shall have
paid on any such contract the common council
sue for and recover the amount so paid, from
parties to such contract and the mayor, street
missioner or aldermen interested in the same.

ION 11. The mayor or acting mayor, sheriff Waukesha county, and each and every alder- ustices of the peace, marshal, under-sheriff and sheriffs of said Waukesha county, constables, nen and watcnmen of said city, shall be officers peace, and may command the peace and sup- n a summary manner all rioting and disorderly or within the limits of said city; and for such e may command the assistance of all by-stand- l if need be, of all citizens and military com- And if any person, by-stander, military or private citizen shall refuse to aid in main- the peace when so required, every such per- refusing shall forfeit and pay a fine not less ve nor more than fifty dollars; and in case he civil power may be required to suppress disorderly behavior, the superior or senior present in the order mentioned in this section irect the proceedings.

Officers of the peace.

Penalty for refusing to aid the same.

ION 12. The justices of the peace of said city ossess and they are empowered to exercise the nd like jurisdiction, powers and duties, and e subject to the same liabilities and regulations, conferred upon and required of justices of the f the several towns of this state. They shall ognizance and exclusive jurisdiction of all suits, tions, or proceedings for the recovery of any rfeiture or penalty under and by virtue of any ordinance or regulation of the said city of nowoc or its charter, or for any breach or viola- the provisions of said charter or of any such ce, by-law and regulation, and in all cases of s committed against the same. All prosecu- or assaults, assaults and batteries and affrays not ble, and for a breach or violation of any such ordinance or regulation shall in all cases when ne have been committed within the limits of y, be commenced in the name of the city of nowoc, and the same proceedings shall be had ivil and criminal suits before said justices of ce, when not otherwise herein directed, as are shed and required to be had in civil and crim- tions and proceedings by the laws of this state justices of the peace; *provided*, that in cases ecution for a breach or violation of an ordin- y-law or regulation of said city or its char- for any assault, assault and battery or breach peace, or an affray not indictable committed

Powers and jurisdiction of justices of the peace.

Prosecutions in name of the city.

within the limits of said city, defendants shall
Right of appeal the same right of appeal under the same provis
and requirements as now are or may be provided
the laws of this state for taking appeals from just
of the peace. In all cases of conviction for assa
assaults and batteries and affrays within the said
or in all cases of conviction under any ordinanc
said city for any breach of the peace, disorderly
duct, keeping houses of ill-fame or of frequen
the same, and of keeping or maintaining disord
and ill-governed houses, said justices shall have po
in addition to the fine or penalty imposed, to e
judgment for costs of prosecution against the def
ant and to compel offenders to give security for t
good behavior, and to keep the peace for a period
exceeding six months, and in a sum not exceed
five hundred dollars. The said justices shall have
same power and authority in case of contempt
court of record of this state; *provided*, that noth
herein contained shall be deemed to divest the cir
judges of this state of their authority as conserva
of the peace, nor to affect in any manner the juris
tion or powers of the circuit courts or supreme c
Fines to belong to city. of this state. All fines and penalties imposed by
justices of the peace for offences committed wi
the limits of said city or for violation of any or
ance, by-law or regulation of said city, shall bel
to and be paid over to the treasurer of said city
be a part of the finance thereof.

Justices to make reports. SECTION 13. The said justices of the peace sh
as often as the common council of said city may
quire of them, report to the common council the
all the proceedings instituted before them in wh
said city is or may be interested, and shall at the s
time account for and pay over to the treasurer of
city, all fines and penalties collected by them and
longing to said city. Said justices of the peace s
be entitled to receive in all cases had before them
which the said city is interested the same fees as
provided by law for justices of the peace of the
eral towns of this state in similar cases had be
them.

City assessor. SECTION 14. The city assessor shall assess the
and personal property of said city at the time an
the manner provided for assessing towns in this st
and his compensation therefor shall be provided
the common council at the beginning of his offi
year.

ION 15. It shall be the duty of the street com- ner, within ten days after his appointment and ation to inspect all the streets in the city, all lks, cross walks, ditches, gutters, culverts, and ges and approaches thereto, and all matters ngs appertaining to the streets and report in to the common council, recommending in his what is necessary and ought to be done there- ribing in separate items of what and where rk is needed, and itemizing such work in the f its necessity (*in*) under "Item No. one, that first necessity;" "Item No. two, that of the necessity," and so on to the end of his recom- ions, and shall keep a duplicate copy of such On receipt of said report the common coun- l consider the same, and may adopt the whole part thereof, add to, amend, strike out or change er of any "Item" as in their judgment may est; and as soon as they have passed upon said the city clerk shall certify to the street com- ner the action had thereon. Whereupon the commissioner shall cause such work to be done rdance with the common council's amendments report, as provided in section 16 of this chap- *vided*, that any party or parties may petition nmon council for any work they may desire larly to be done. Such petitions, however, shall e precedence of the street commissioner's nendations, until acted upon by the common and certified to by said clerk, as herein- provided. Such street commissioner may from time make such other reports as the necessity case may require.

Duties of street commissioner.

ION 16. It shall be the further duty of the commissioner to employ men and utensils, and by the day, and contract therefor, the price to l by the city in money for their services at ices as individuals are paying for like services, th the advice and approval of the committee ets, to procure such implements and materials embraced in his recommendations as amended common council. He shall superintend all ork, and give directions to all employed under nd shall keep an accurate account of all mater- ocured by him, and keep an accurate account teams and utensils or men employed by him, able to certify to their account therefor, and and perform or cause to be done any and all

Shall employ men and teams.

other duties pertaining to his office that may be scribed from time to time by the common cou *provided*, however, that no street commissioner contract nor create any greater expense to the in any one year, than the amount raised by the mon council for highway purposes.

Accounts to be paid out of highway fund.

SECTION 17. All accounts against the city for terials furnished, and all work or services perfo for the city by or under the direction of the commissioner and used for street purposes, inclu the street commissioner's services, shall be pai of the "highway fund," by orders drawn specif against that fund and issued by the common co in the same manner as provided for issuing orde the settlement of other accounts against the *provided*, however, that the expense of building bridge or the repairs thereof, shall be provide and paid out of the "general fund" of said city

Bills and accounts against city.

SECTION 18. All bills and accounts against city, created by or under the direction of the commissioners shall be made out against the ci Oconomowoc with items and dates and in fav the parties or persons to whom the same are and shall be verified by such creditors or some in their behalf and shall have appended theret certificate of the street commissioner dated signed by him (printed forms for which shall be scribed and furnished by the common council) ting forth that said account was created by his tion, that the materials therein charged were h the services as stated were performed and for purpose, and that the same agrees with his ac thereof and such accounts upon being so stated ified and certified, may be presented for allow and settlement at any regular or adjourned mo of the common council.

Work to be let to lowest bidder.

SECTION 19. Whenever the spring openin making of any new street is resolved to be don any street work incurring extraordinary or even siderable expense, [is] ordered to be done, the mon council may, at its option, let such wor contract to the lowest responsible bidder, to be in the time and manner prescribed by said con council, or cause the same to be done by and the direction of the street commissioner as here fore provided. The expense thereof in either to be paid out of the "highway fund."

ON 20. The street commissioner shall be paid services and for every day's service actually d, shall receive such compensation as the com- uncil and said commissioner shall agree upon beginning of his official year, or he shall be ch sum per annum in lieu thereof for the ser- uired to be performed by him as the common and said street commissioner shall agree upon eginning of his official year.

Compensation of street commissioner.

ON 21. The street commissioner on return to his report and recommendations to the coun- r its adoption or amendment by them, shall without delay to do the work therein provid- and for that purpose shall employ competent ficient force to accomplish the same promptly due season, and shall keep a correct account report of his doings and the amount of his itures, and report thereon from time to time alled upon, to the common council.

When work shall be done.

ON 22. If it shall appear to the common at any time, that the street commissioner s or refuses to perform any work required of be done, or if he shall neglect or refuse to re- the common council when called upon as pro- n this chapter, such neglect or refusal shall be a good and sufficient cause for his removal s office.

Cause for removal.

CHAPTER IV.

MMON COUNCIL—ITS GENERAL POWERS AND DUTIES.

ON 1. The mayor and aldermen shall consti- e common council, and shall not receive any sation for their services, and the style of all ces shall be "The mayor and common coun- he city of Oconomowoc do ordain," etc. The n council shall meet at such times and place in y as they by resolution shall direct. A ma- f the common council shall constitute a quor- nt a less number may adjourn from time to

Common council.

ION 2. The common council shall hold their nual meeting in each year on the second Tues- April, and thereafter stated meetings at such s they shall appoint, and the mayor may call meetings by notice to each of the members to

Time of holding annual meeting.

be served personally, or left at their several place
abode. The common council shall determine
rules of its own proceedings, and be the judge of
election and qualification of its own members,
have the power to compel the attendance of ab
members.

Powers of the common council.

SECTION 3. The common council shall have
management, and control of the finances, ex
school moneys, and of all other public property in
city, and shall, likewise, in addition to the po
herein vested in them, have full power and autho
to make, enact, ordain, establish, publish, enf
alter, modify, amend and repeal all such ordinan
rules, resolutions and by-laws for the governm
and good order of the city for the suppression of
for the prevention of crime, and for the benef
trade, commerce and health thereof, and so enf
the same as they shall deem expedient, declaring
imposing penalties, and so enforce the same ag
any person or persons who may violate any of
provisions of such ordinances, rules and by-laws,
all such ordinances, rules and by-laws are hereby
clared to be and have the force of law. *Provi*
that they be not repugnant to the constitution
laws of the United States or of this state; and
these purposes shall have full authority, by
nance, resolution or by-laws:

To grant licenses.

1st. To license, regulate, suppress and prohibit
exhibition of common showmen or shows of any k
or the exhibition of caravans, circuses or theat
performances, billiard tables, bowling saloons,
or ten pin alleys, and to provide for the abaten
and removal of all nuisances, under the ordinance
said city, the laws of the state, or at common law,
may grant licenses for and regulate groceries,
erns, victualing houses, and all persons vendin
dealing in spirituous, vinous or fermented liq
and may prohibit and suppress the same; *provi*
that the sum to be paid for each license by
applicant therefor for so dealing in or vend
spirituous, vinous or fermented liquors shall no
less nor more per annum than the amount
tablished by the general laws of the state of
consin; and that all such licenses hereafter gra
shall run from the second Tuesday of April
each year to the second Tuesday of April follow
inclusive; *provided, however*, that when any
license may be applied for after that date, the s

e granted to expire on the second Tuesday in following the date of application, on the appli- paying pro rata therefor, but no license shall nted for a longer term or period than one year. ense moneys shall be paid to the treasurer of ty, which shall be passed by him to the credit general fund of said city.

To prohibit gambling &c.

To restrain, prohibit and suppress all des- n of gambling and fraudalent vices and es, and playing of cards, dice or other games nce, with or without betting, and to restrain, it and suppress any person or persons from g, giving away or dealing in spirituous, fer- l or vinous liquors, unless duly licensed by mmon council, and to license, regulate and ss hawkers and peddlers.

To prevent riots, noise &c. and to suppress disorderly places.

To prevent any riots, noise, disturbance or dis- assemblages, suppress and restrain disor- houses or groceries, and houses of ill-fame, and horize the destruction of all instruments used purpose of gaming. No person shall be in- ated or excused from testifying touching any committed against the provisions of this act, ordinance of the city of Oconomowoc, by rea- him or her being implicated in any such of- but the testimony of such witness shall in no used against such witness.

To abate nuisances.

To compel the owner or occupant of any land ted lot, grocery, cellar, tallow chandler's shop, actory, tannery, stable, barn, privy, sewer, or unwholesome or nauseous house or place in ity; to cleanse, remove or abate the same from time, as often as it may be necessary for the comfort and convenience of the inhabitants city.

To direct location of slaughter houses and regulate keeping of gunpowder.

To direct the location and management of ter-houses and markets, and to establish rates license venders of gunpowder, and regulate rage, keeping and conveying of gunpowder or combustible materials within said city.

To prevent enucumbering of streets.

To prevent the encumbering of the streets, lks, lanes or alleys, with railroad cars, locomo- engines, carriages, carts, wagons, sleighs, boxes, , pine, wood, or any other materials or sub- whatever.

To prevent racing and to regulate places of bathing.

To prevent horse-racing, immoderate driving ng in the streets, and to regulate the places of g and swiming in the waters within the limits city.

To restrain cattle &c.

8th. To restrain the running at large of c
mules, horses, swine, sheep, poultry and geese,
to authorize the distraining, impounding and sa
the same, for the penalty incurred therefor and
cost of proceedings.

To destroy dogs.

9th. To prevent the running at large and d
the muzzling of dogs, and to authorize the des
tion of the same in a summary manner when at l
unmuzzled contrary to the ordinances.

To prevent deposit of unwholesome substances.

10th. To prevent any person from bringing, de
iting or having within said city, any putrid carca
or other unwholesome substances, and to requir
removal of the same by any person who shall
the same upon his premises any such substa
putrid or unsound beef, pork, fish, hides, skin
substances of any kind, and in default to auth
the removal thereof by some competent officer a
expense of such person or persons

To establish public grounds, pumps, wells, &c.

11th. To make and establish public pounds, pu
wells, cisterns and reservoirs, and to provide for
erection of water works for the supply of water t
inhabitants, in case of necessity, to erect lamps,
to regulate, license and suppress omnibus dri
hackmen, coachmen, cartmen, draymen, and t
charges and all others who may pursue like occ
tions in said city, and to provide for lighting
streets, public grounds and public buildings wit
or otherwise.

To establish boards of health.

12th. To establish and regulate boards of he
provide hospitals, pest houses and cemetery grou
regulate the burial of the dead and the return
the bills of mortality, and to exempt burial grou
set apart for public use, from taxation.

Regulate size and weights of bread.

13th. To regulate the size and weight of bread,
to provide for the seizure and forfeiture of bread
ed contrary thereto.

To prevent riding or driving on sidewalks.

14th. To prevent all persons riding or driving
ox, mule, horse, cattle or other animal on the
walks in said city, or in any way doing damag
said sidewalks.

To prevent use of firearms.

15th. to prevent the shooting of firearms or cr
ers, and to prevent the exhibition of any firework
any situation which may be considered by the c
cil dangerous to the city or any property therei
annoying to any citizen thereof.

To restrain drunkenness and obscenity.

16th. To restrain drunkenness, intoxication o
scenity in the streets or public places in said
and to provide for arresting, removing and pu

y person or persons who may be guilty of the

n. To restrain and regulate runners and solici- r stages, public houses or other establishments, establish and regulate the police of the city. To regulate runners.

n. To establish public markets and make rules e government of the same; to appoint suitable s for overseeing and regulating such markets and rain all persons from interrupting or interfering he due observance of such rules and regulations. To establish markets.

n. To license and regulate butchers' stalls, and stands for the sale of game, poultry, butch- eat, butter, fish and other provisions. To license shops and stands.

h. To regulate the place and manner of weigh- d selling hay, and measuring and selling feed me, and to appoint suitable persons to superin- and conduct the same. To regulate selling of hay, &c.

t. To compel the owners and occupants of ngs and grounds to remove snow, dirt or rub- from the sidewalks, streets or alleys opposite o, and to compel such owner or occupant to re- from the lot owned or occupied by him, all substances as the common council shall direct, n his default to authorize the removal or de- ion thereof by some officer of the city, at the se of such owner or occupant. To compel removal of rubbish.

. To regulate, control and prevent the landing rsons from railroad cars or stages wherein are gious or infectious diseases or disorders, and to such disposition of such persons as to preserve eaith of said city. To guard against disease.

. To regulate the time and place and manner f ng public auctions or vendues. To regulate auctions.

h. To appoint watchmen and prescribe their . To appoint watchmen.

h. To provide by ordinance for a standard of ts and measures, and for the punishment of the f false weights and measures. To provide standard of weights and measures.

h. To protect trees and monuments in said To protect trees and monuments.

h. To prescribe and regulate the construction of s within said city. To regulate sewers.

h. To lay out, make, open, keep in repair, alter continue any highways, streets, lanes and alleys, keep them free and clear from incumbrances, protect them from injury. To lay out highways.

h. To alter or change the name of any street or To change name of streets.

public grounds, and to give names to the same in
city.

To make ordinances.

30th. To make, ordain, amend, repeal, all
ordinances, by-laws and police regulations, not
trary to the constitution of this state, for the
order and government of said city, and which ma
necessary or expedient to cary into effect the po
vested in the mayor and common council, or any
cer of said city by this act, or which may be ve
in any officer of said city by any ordinance the

To regulate breweries, &c.

31st. To direct the location and regulate
license breweries, tanneries and packing houses.

To abate nuisances.

32d. To provide for the removal or abatemen
any and all nuisances, and in case any lot, lan
place in said city is or shall become a public nuiss
and whenever upon complaint made to, and the
mon council shall deem any such lot or lots, land
places in said city injurious to public health by
son of stagnant water or from any other cause,
may order that such nuisance be abated by drai
or filling such lot, lots, lands or places, or in
other manner, by the owner or occupant of such
lots, lands or places, and upon their failure so t
the common council, by their order, may cause
said nuisance to be abated at the expense of the
er or owners of such lot or lots, lands or place
taking the same proceedings as are required fo
building of sidewalks in said city.

Passage of by-laws, resolutions, &c.

SECTION 4. All by-laws, resolutions, rules,
regulations shall be passed by an affirmative vo
a majority of the common council present, and
be signed by the mayor and shall be in force
and after passage, and such by-laws, resolutions,
and regulations shall be immediately thereafte
corded by the city clerk in books provided for
purpose. All ordinances shall be passed by an af
ative vote of a majority of the common council
ent, and shall be signed by the mayor and sha
in force from and after the expiration of fifteen
from their first publication, and all such ordina
shall, after their passage, be published either b
serting the same in some newspaper, publishe
said city, for two successive weeks or by po
copies of the same in three or more public place
said city by the clerk of said city, and shall b
corded by said clerk in books provided for that
pose; but before any of the said ordinances sha
recorded, the publication or posting thereof withi

time shall be proved by the affidavit of the fore- or publisher of such newspaper or by the affi- of the said clerk who shall have posted the , as the case may be, and said affidavit shall be ded therewith, and at all times and places shall eemed and taken as sufficient evidence of the and manner of such publication or posting, and record of such by-laws, resolutions, rules, reg- ons and ordinances or copies thereof certified he city clerk under the seal of the city, or any ted or written book containing the same, shall be *a facie* evidence of their passage and publication osting, and shall be deemed and taken as such in ourts and places of the provisions thereof.

Common nuisances.

CTION 5. The powers conferred upon the com- council to provide for the abatement or removal uisances shall not bar or hinder suits, or prosecu- or proceedings in the courts according to law. ots, houses or buildings of any kind wherein e than twenty-five pounds of gun-power are de- ted, stored or kept at any one time, gambling es, houses of ill-fame, disorderly taverns and es or places where spirituous, vinous or fer- ted liquors are sold without the license required etor within the limits of said city, are hereby de- d and shall be deemed public or common nui- es.

Common council to audit accounts of officers of the city.

ECTION 6. The common council shall examine, t and adjust the accounts of the clerk, treasurer, shal, and all other officers or agents of the city, ich times as they may deem proper, and also at end of each year and before the time for which officers of said city are elected or appointed shall expired. And the common council shall require and every such officer and agent to exhibit his s, funds and moneys, accounts and vouchers for examination and settlement, and if any such of- or agent refuse to comply with the orders of said ncil in the discharge of his said duties, in pursu- of this section, or shall neglect or refuse to ren- his account or present his books, funds, moneys vouchers to said council, it shall be the duty of common council to declare the office of such per- vacant; and the common council shall order suits proceeding at law against any officer or agent of city who may be found delinquent or defaulting his accounts, or in the discharge of his official es, and shall make a full record of all adjustments settlements.

Delinquencies and defalcations.

Corporate authority.

SECTION 7. The corporate authority of said shall be vested in one principal officer, styled a ma in one board of aldermen, consisting of three m bers from each ward, who, with the mayor, sha denominated the common council, together with other officers as may be created under this act.

CHAPTER V.

FINANCE AND TAXATION.

Finance.

SECTION 1. All funds in the treasury, ex school, state and county funds, shall be under the trol of the common council, and shall be drawn upon the order of the mayor and clerk, duly aut ized by a vote of the common council; and all or drawn upon the treasurer shall specify the pur for which they were drawn, and shall be payable of any funds in the treasury belonging to the standing to the credit of the fund against which orders are drawn. All orders shall be made pay to the person or persons or to the order of the pe or persons in whose favor they may be drawn.

Taxes.

SECTION 2. The common council of said city annually levy upon the taxable property of said to defray the current expenses of said city and schools, a tax sufficient for that purpose.

Estimate of expenses to be made and tax levied.

SECTION 3. On or before the third Monday of vember, in each and every year, the common cou shall by resolution, to be recorded by the clerk, termine and specify the amount of money neces to be raised by a tax to pay all indebtedness of said city at the time being, and to defray the esti ed incidental expenses of said city during the e ing year; and by said resolution shall order the thereof to assess the amount so specified equally all the taxable property of said city, as the same appear from the last equalized assessment roll of said city. And the said clerk, after he shall re from the clerk of the board of supervisors of Waukesha county, the amount of said state, co and other taxes, as certified by such clerk to be r by tax in said city, in any year, shall assess the am certified by said clerk, together with the amoun dered or specified by said common council, tog with such school taxes voted to be raised for that in the same list of taxes with all delinquent st school or other taxes; and when the said assess

ax list shall be completed, the said common coun-
hall annex thereto their warrant, signed by the
or, and attested by the clerk of said city, com-
nding the treasurer of the city of Oconomowoc to
ect the taxes specified in the list annexed, and pay
the money by him collected, reserving as his fees
same as the town treasurers receive according to
, and return the said warrant and list as required
aw of the several town-treasurers of the towns in
ukesha county. The clerk of said city, before
vering said tax roll to said treasurer, shall make a
copy thereof, with the warrant, and file the same
he clerk's office of said city.

ECTION 4. No account shall be allowed by the
mon council unless the same is properly verified
he owner thereof, or some person in his or her
alf.

Accounts be verified.

ECTION 5. When the claim of any person against
said city shall be disallowed, in whole or in part,
the common council, such person may appeal
n the decision of such council to the circuit court
the county of Waukesha, by causing a written no-
of such appeal to be served on the clerk of said
within thirty days after the making of such de-
on, and executing a bond to said city, with suffi-
t surety, to be approved by said clerk, county
ge or court commissioner of said county, condi-
ed for the faithful prosecution of such appeal,
the payment of all costs that shall be adjudged
inst appellant by the court.

When claim against city is disallowed.

ECTION 6. The city clerk, upon such appeal be-
taken, shall immediately give notice thereof to
mayor and common council, or shall take such
sures as by ordinance or resolution of said com-
n council he may be required to do, and shall
e out a brief return of the proceedings in the case
ore said common council, with their decision there-
and shall file the same, together with said notice
all papers in the case in his possession, with the
k of the circuit court for the county of Wauke-
, and such appeal shall be entered, tried and de-
nined in the same manner as appeals from jus-
s of the peace, and costs thereupon shall be award-
n like manner; *provided, however*, that whenev-
an appeal is taken from the allowance made by
l common council upon any claim, and the recov-
upon such appeal shall not exceed the amount al-
ed by said council, exclusive of interest upon such

When appea is taken.

allowance, the appellant shall pay the cost of appe which shall be deducted from the amount of the covery; and when the amount of the costs exce the sum recovered, judgment shall be rendered agai the appellant for the amount of such excess.

Disallowed claims.

SECTION 7. No action shall hereafter be maintai by any person against the city of Oconomowoc, u any claim or demand other than a city bond or or unless such person shall first have presented claim to the common council of said city. The termination of the common council disallowing whole or in part any claim of any person shall final and conclusive, and a perpetual bar to any act in any court founded on such claim, unless an app shall be taken from the decision and determinat of such common council as hereinbefore provided, unless such council shall consent and agree to the stitution and maintainance of an action by su claimant against the city; *provided, however*, t when the common council shall refuse or neglect act upon any claim duly presented to them, t chapter shall not be construed as to prevent the stitution and maintainance of any action by said clai ant against said city.

CHAPTER VI.

OPENING OF STREETS AND ALLEYS.

Condemnation of lands for public use.

SECTION 1. The common council shall have powe lay out public squares, grounds, streets and alleys to widen the same as follows: Whenever ten or m freeholders residing in the said city shall, by petiti represent to the common council that it is necess to take certain lands within the city for the public u for the purpose of laying out public squares, groun streets or alleys, or the enlarging the same, courses and distances, metes and bounds of the la proposed to be taken, together with the names residences of the owners of such premises, if same shall be known to such petitioners, to be forth in said petition, the common council s thereupon cause notice of such application to be g en to the occupant or occupants of such lands, if there be, or if any portion of said lands shall not in the actual occupation of any person, then the co mon council shall cause such notice describing near as may be, the premises proposed to be taken

lished or posted in the same manner as is pro-
for the publication or posting of ordinances in
four of chapter four of this act.

Jurors to view premises.

ION 2. Such notice shall state that upon a day
to be named, not less than ten days from the
of such notice, or the expiration of such pub-
n or posting, as the case may be, application
made to one of the justices of the peace of the
ty of Oconomowoc for the appointment of six
to view said premises, and to determine
er it will be necessary to take the same for the
e specified in said petition.

Justice of peace to issue precept.

ION 3. Upon the presentation of such applica-
nd the proof of the publication or posting, as
se may be, or service of the notice herein
required, the said justice of the peace shall
pon appoint six reputable freeholders, resi-
f said city, not interested in the result of such
ation. The said justice of the peace shall
pon issue his precept, directed to said jurors,
ng them within ten days to view the premises
pecified in said precept, and to make returns
their hands to the common council of said city,
er in their judgment it is necessary to take
emises for the purposes specified in such ap-
on, and the said jurors, before entering upon
charge of their duties, shall take and subscribe
h that they are disinterested in the result of
application and that they will faithfully and
ially discharge their duties as such jurors in
emises, which oath may be administered by any
authorized to administer oaths, which shall
l in the office of the city clerk.

Marshal to serve precept.

ION 4. The city marshal shall serve such pre-
nmediately on the jurors therein named, by
g the same to every one that can be found;
nmediately after such service he shall return
d precept to the justice of the peace who issued
ne, together with his doings thereon endorsed.

If jurors cannot be found.

ION 5. If any of the jurors so appointed can-
found within said city, or shall be disqualified
cting, or shall refuse to act, the justice of the
shall appoint others, qualified to act, in their
and a memorandum of such substitution shall
orsed on the precept.

Jurors to be sworn.

ION 6. Any officer authorized to administer
shall thereupon administer an oath to said
that they are freeholders of said city, residing

therein, and not interested in the premises proposed to be taken, and that they will faithfully and impartially discharge the trust reposed in them.

Jurors shall view property, take testimony and make report.

SECTION 7. The said jurors, at such time as they shall agree upon, shall proceed in a body to view the premises in question, and shall hear such testimony as shall be offered by any party interested, which testimony shall be reduced to writing by one of the jurors; and either of the jurors shall be authorized to administer the necessary oaths to the witnesses. After viewing the premises in question, and hearing such testimony as may be offered, the jurors shall make a report, in writing, of their proceedings, which shall be signed by them respectively, and which shall state whether, in their judgment, it is necessary to take the premises in question for public use, which said report, testimony and precept shall be returned to the common council within the time limited in said precept. Should the jurors report that it is necessary to take the premises, the common council shall enter an order among their proceedings confirming said report, and directing the same jurors, within twenty days thereafter, or at such future time as shall be necessary to again view said premises for the purposes of ascertaining and determining the amount of the damages to be paid to the owner or owners of said property proposed to be taken, and to assess and return, within the limited time, such damages to the common council. And after the jurors shall have made their report as to the taking of any lands or premises under this act, and the same shall have been confirmed, the common council shall have power to appoint new jurors in the place of any who shall neglect to serve in ascertaining the amount of compensation as above; and all the jurors, before entering upon the discharge of their duties in the premises, shall severally take an oath before some competent officer, that they are freeholders in said city and reside therein, and are not interested in the premises to be taken, and that they will faithfully and impartially discharge the trust reposed in them.

In case of building being on land to be taken.

SECTION 8. If there should be any building in whole or in part, upon the land to be taken, the jurors before proceeding to make their appointment, shall first estimate and determine the value of such building to the owner, aside from the value of the land, and the injury to him in having such building taken from him; and secondly, the value of such building to him to remove.

ION 9. At least ten days personal notice of etermination shall be given to the owner or ent, if known, and a resident of the city, or his usual place of abode. If not known, or a ident of the said city, notice to all parties in- l shall be given by publication, in the same as is provided herein for the publication of or- es in section four of chapter four of this act; otice shall specify the building and the award jurors. It shall require the parties interested ar by a day therein named, or give notice of ection to the common council, either to accept ard of the jurors and allow such building to n with the land appropriated, or their inten- remove such building. He shall have such or this purpose as the common council may

Personal notice to be given.

ION 10. If the owner shall refuse to take the g at the value to remove, or fail to give notice election as aforesaid within the time pre-, the common council shall have power to di- e sale of such building at public auction for iving ten days notice of such sale. The pro- hall be paid to the owner, or deposited to his

Building to be sold if owner refuses to remove it.

ION 11. The said jurors, within the time limi- all view and examine the premises proposed to n, and all such premises as will, in their judg- e injured or benefitted thereby. And hearing estimony as may be offered by any party inter- and which shall be reduced to writing by one jurors, they shall proceed to make their assess- and to determine and appraise to the owner or , the actual value in money of the real estate posed to be taken, and the injury arising to espectively in consequence of the taking there- ch shall be awarded to such owners respective- damages. In the estimate of damages to the the jurors shall include the value of the build- buildings (if the property of the owner of such as estimated by them as aforesaid, less the pro- f the sale thereof, or if taken by the owner at ue to remove, in such case, they shall only in- he difference between such value and the whole ted value of such building or buildings, ac- g to section eight of this chapter.

Jurors to examine and appraise premises.

ION 12. If the lands or buildings belong to nt persons, or if the land be subject to lease,

When lands belong to different persons.

judgment or mortgage, or if there be any estate less than an estate in fee, the injury done to such sons or interests respectively, shall be awarde them by the jurors.

Award to be signed and returned.

SECTION 13. The award of said jurors shal signed by them, and returned, together with the timony taken, and the precept to the common c cil, within the time limited in such precept.

Owner of property may appeal from assessment.

SECTION 14. Any person whose property is t or against whom any assessment is made may, wi ten days from the return of the jurors to the com council, appeal from said assessment of damag the circuit court of Waukesha county, by causi written notice of such appeal to be served on the of said city, and executing a bond in the manner scribed in section five of chapter five of this act, such appeal shall be tried by the court and jury ordinary cases. The common council shall also the right to appeal, by filing with the said clerk tice thereof within ten days, as aforesaid.

Damage to be paid before land is appropriated.

SECTION 15. The land required to be taken fo purposes mentioned in this act, shall not be ap priated until the damages awarded therefor to owner thereof, or party entitled thereto, shall be or tendered to the owner or party entitled there his agent, or in case the said owner or party ent thereto, or agent, cannot be found, or is unkn deposited to his or their credit, in some safe pla deposit, and then and not before, such lands ma taken and appropriated for the purposes requ and the same shall thereafter be subject to all laws and ordinances of the city, in the same ma as streets, alleys and public grounds opened or out.

Damages to be paid within one year.

SECTION 16. The damages assessed shall be or tendered or deposited as herein required, wi one year from the confirmation of such assess and report; and if not so paid, tendered or depos all the proceedings in such case shall be void.

Payment to be made at any time within one year.

SECTION 17. The city may pay or tender o posit as herein required, at any time within one from the confirmation of such assessment, and re the damages assessed in any such case, and when said damages have been so paid, tendered or de ited, it shall be the duty of the common coune enter an order among their proceedings to take appropriate such lands for the purposes required

Contract or

SECTION 18. When the whole of any tract o

r premises, under lease or other contract, taken by virtue of this act, all the cove- contracts or engagements between landlord ant or any other contracting parties, touch- same or any part thereof, shall upon the con- n of such report, respectively cease and be ly discharged.

lease or land to cease.

ON 19. When only part of a lot or tract of other premises so under lease or other con- all be taken for any of the purposes afore- the covenants, contracts or agreements re- the same, upon the confirmation of such re- all be absolutely discharged as to the part taken, but shall remain valid as to the resi- reof, and the rents, considerations and pay- eserved, payable and to be paid for or in respect same, shall be so proportioned so that the ereof justly and equitably payable for such thereof, and no more, shall be paid or recov- or or in respect to the same.

When only part of lot or tract is taken.

ON 20. When any known owner of lands or ts affected by any proceedings under this act an infant, or labor under legal disability, the the circuit court of Waukesha county, or, in nce or inability to act in the premises, the judge in said county, may, upon the applica- he common council, or such party or his next appoint a guardian for such party, and all required by this act shall be served upon such n.

When owner shall be an infant.

ON 21. Whenever any public grounds, street shall be laid out, widened or enlarged under visions of this chapter, the common council use an accurate survey and profile thereof to and filed in the office of the city clerk.

Survey and profile to be made.

CHAPTER VII.

ESSING, LEVYING AND COLLECTING OF TAXES.

ON 1. All property, real or personal, within , except such as may be exempt by the laws ate, shall be subject to taxation for the sup- the city government, its schools, and the t of its debts and liabilities, and the same assessed in the manner hereinafter provided; assessor elected under this act shall have and the same powers that are or may be conferred

Taxes and assessments.

upon township assessors, except so far as the
be altered by this act; *provided, however*, th
common council may prescribe the form of
ment rolls, and more fully define the du
assessors and make such rules and regulati
relation to revising, altering or adding to suc
as they may from time to time deem advisable

Board of equalization may alter assessment roll.

SECTION 2. The assessor shall return the s
sessment roll to the board of equalization of t
on or before the last Monday in June in ea
every year. The board of equalization may
omissions in said roll, and for the purpose of
zing the same, may alter and add to, take fro
otherwise revise and correct the same.

When lands have been omitted from assessment roll.

SECTION 3. If it shall appear to the assesso
any lot or parcel of land was omitted in the
ment-roll of either or both of the preceding two
and that the same was then liable to taxation, l
in addition to the assessment of that year, asse
on the lot or tract so omitted, for such year o
that it shall have been omitted, the just value
of, noting the year when such omission occurr
such assessment shall have the same force and
as it would have had if made the year when th
was omitted; and the common council shall di
addition to the tax for the current year, such
be levied upon such lot or tract as the same
have been chargeable with had not the same b
omitted, and such tax shall be collected as oth
es or assessments for the current year. All
shall be subject to taxes that may have been o
in whosesoever hands the same may have
Should the tax or assessment upon any parcel o
be set aside or declared void by reason of any

Defect or informality.

or informality in the assessing, levying, sell
conveying of the same, but not affecting the
and justice of the tax itself, the common counci
cause the tax or assessment so set aside or de
void, to be relieved in such manner as they sh
ordinance direct; *provided*, that if the defect
the assessment, the same shall be again asses
such time as the common council shall direct, a
said tax or assessment so assessed shall be levi
continue a lien upon such lot or tract, and sh
collected as other taxes and assessments are co
under this act.

Board of equalization—how organized.

SECTION 4. The mayor, the city clerk, the
or, and senior alderman from each ward, shall

e board of equalization. For the first two
ne common council shall designate which one
aldermen from each ward shall serve upon
ard, and such board of equalization shall meet
first Monday of July, each and every year, at
clock in the forenoon, and shall proceed in all
s as town boards are by law required to pro-
far as the same is applicable, reviewing, cor-
equalizing the assessment-roll of the city.
yor shall be president of the board of equali-
and the city clerk the clerk thereof.

ON 5. When the assessment roll shall have vised and corrected, the same shall be filed e clerk. Thereupon the common council shall lution, levy such sum or sums of money as may cient for the several purposes for which taxes ein authorized to be levied, particularly specify- purposes for which the same are levied.

Levy of taxes.

ON 6. All changes of assessment-roll by the f equalization shall be duly recorded by the rk.

Changes of assessment roll.

ON 7. All taxes and assessments, general or levied under this act, shall be and remain a on the lands and tenements upon which they assessed, and on all personal property of any or body politic assessed, for personal taxes, e delivery of the warrant for the collection to the treasurer until such taxes shall be paid, sale or transfer of such real or personal estate fect such lien; any personal property belong- the person taxed may be taken and sold for the t of taxes upon real or personal property.

Taxes and assessments to be lien upon property.

ON 8. It shall be the duty of the city clerk, ately upon the reception of the corrected as- t roll, and a certificate of the amount of state, and school tax apportioned to said city, to cal- nd carry out the total amount of such taxes, r with all the city and other local taxes, placing dditional column prepared for that purpose in ssment roll the expense of collection, setting pposite the several sums set down as the valu- f real and personal property, the respective sessed as taxes thereon.

Duty of clerk on receipt of corrected roll.

ON 9. The city clerk shall immediately make uplicate copy of such assessment roll when mpleted, and deliver the same to the treas-

Shall make duplicate copy.

ON 10. To each assessment roll so delivered

Shall annex warrant.

a warrant, under the hand of the city clerk a
corporate seal of said city, shall be annexed, su
tially in the following form:

The State of Wisconsin—

To the city treasurer of the city of Oconor
in the county of Waukesha:

Form.

You are hereby commanded to collect from
the persons and corporations named in the a
tax roll, and of the owners of the real estate de
therein, the taxes set down in such roll opp
their respective names and to the several pa
lands therein described; and in case any pe
corporation, upon whom any such sum or tax
posed, shall refuse or neglect to pay the sa
are to levy and collect the same by distress
of the goods and chattels of the persons or c
tions so taxed; and out of the money so to be
ed, after deducting your fees, you are first to
the treasurer of said county on or before t
Monday in January next the sum of ——
dollars ($——), for state taxes; you are to
and pay out as city treasurer according to
sum of —— —— dollars ($——); and
ance of said money you are required to pay
treasurer for county purposes on or before
above specified; by which day you are furt
quired to make return to said treasurer of th
rant, with said roll annexed, together with y
ings thereon, as required by law.

Given under my hand and the corporate —
—— of —— the —— city ——, this —— day
——, 18—.

—— —— City C
—— ——, Mayo

Roll to be prima facie evidence.

SECTION 11. The said assessment roll and
thereto annexed shall be *prima facie* evid
all courts that the lands and persons therein
were subject to taxation, and that the assessm
just and equal.

General laws of state to be in force.

SECTION 12. All the general laws of thi
which are now or may hereafter be in force,
to the assessment, collection and return of tax
be in force in said city, except as hereinot
specially provided, and the city treasurer sh
ceed to collect the taxes, and all assessments
city in the same manner as is required by lav

town treasurers to collect taxes, except as herein provided.

SECTION 13. Upon the receipt of any tax-roll and warrant by the treasurer, he shall give public notice of four days in a newspaper published in said city, or by posting the same in three or more public places in said city that such tax list has been committed to him for collection, and that he will receive payment for taxes at his office therein on and after the day in such notice to be specified. Notice to be given.

SECTION 14. The treasurer shall be entitled to receive and collect as fees for collection of taxes two per cent. on all taxes collected by or paid to him on or prior to the tenth day of January in each year, and five per cent. upon all taxes or assessments paid to or collected by him after the said tenth day of January; and in case of a distress or sale made by him of goods and chattels for the payment of any tax, he shall be entitled to receive such fees as are allowed constables on sales of goods upon execution; the city treasurer shall collect the fees hereinbefore prescribed and shall keep in a book to be provided for that purpose, a true account and statement of all fees by him received as city treasurer from any source whatever, and such book shall be open at all reasonable times, to the inspection of any person; and the city treasurer shall when required, make a report to the common council, duly certified on oath, of all fees or other moneys received by him as treasurer, and he shall receive no other or further compensation for his services as treasurer than as hereinbefore provided, except that [the] common council shall provide him all necessary books, blanks and stationery requisite to the discharge of his duties. Fees of treasurer. To keep record of fees.

SECTION 15. The treasurer shall, on or before the the last Monday in January, in each year, pay to the county treasurer the state tax assessed upon the lots and tracts of land and personal property in said city. Treasurer to pay state tax.

SECTION 16. All the directions hereby given for the assessing of lands and the levying and collecting of taxes and assessments shall be deemed only directory, and no error or informality in the proceedings of any of the officers entrusted with the same, not affecting the substantial justice of the tax itself, shall vitiate or in any wise affect the validity of the tax or assessment. Directions deemed only directory.

SECTION 17. In case the city treasurer is unable to Process for

collection of personal property tax.

collect any tax assessed upon any personal pro
and payable by any person named in the tax-l
shall proceed in all things according to chapte
teen, of the revised statutes of this state, and t
amendatory thereto, in bringing such delinquen
son before some justice of the peace, and such pr
ings shall be had as are prescribed by chapte
hundred and ninety-eight, of the general laws of
and [and] any act that may be hereafter
amendatory to said acts, or in addition thereto.

CHAPTER VIII.

FIRE DEPARTMENT.

Powers of council in guarding against fires.

SECTION 1. The common council, for the p
of guarding against the calamities of fire, shal
the power to prescribe the limits within which
en buildings, or buildings of other material
shall not be considered fire proof, shall not be e
or repaired, and to direct that all and every bu
within the limits prescribed, shall be made an
structed of fire proof materials, and to prohil
repairing or rebuilding of wooden buildings
the fire limits, where the same shall have been
aged to the extent of fifty per cent. of the
thereof, and to prescribe the manner of ascert
such damage, and to prescribe the penalties
violation of any resolution or ordinance pass
der this section.

To prevent construction of dangerous chimneys, &c., and to take other precautions.

SECTION 2. The common council shall hav
power to prevent the dangerous construction an
dition of chimneys, fire-places, hearths, stoves,
pipes, ovens, boilers and apparatus used in and
any building and to cause the same to be remo
placed in a safe condition, when considered d
ous; to prevent the deposit of ashes in unsafe
to provide as many fire buckets as they shal
scribe, and to regulate the use of them in time
to regulate and prevent the carrying on of ma
tures, dangerous in causing or promoting fire;
ulate and prevent the use of fire-works and fire
to compel the owners and occupants of buildi
have scuttles in the roof, and stairs or ladders
ing to the same; to authorize the mayor, alde
fire wardens and other officers of the city to
away from the vicinity of a fire all idle and su
ed persons, and to compel all by-standers to

the extinguishment of fires and in the preservation of property exposed to danger, thereat, and generally to establish such regulations for the prevention and extinguishment of fires as the common council may deem expedient, and to provide penalties for the violation of any resolution or ordinance passed under this section.

To purchase fire engines and to authorize the organization of fire companies.

SECTION 3. The common council shall have full power to purchase fire engines and other fire apparatus, and to authorize the formation of fire engine, hook and ladder and hose companies, and to provide for the due and proper support and regulation of the same, and to order such companies to be disbanded, and their meetings to be prohibited and their apparatus to be delivered up. Each company shall not exceed seventy able bodied men, between the ages of eighteen and fifty years, and may elect its own officers, except chief engineer and assistant engineer, who shall be appointed by the council, and form its own by-laws, not inconsistent with the laws of this state or the ordinances and regulations of said city, and shall be formed only by voluntary enlistments. Every member of said company hereby authorized to be formed, shall be exempt from poll-tax, and from serving on juries and military duty, except in case of war, insurrection or invasion, during the continuance of such membership; and any person having served for the term of ten years, in either of such companies, shall be forever thereafter exempt from poll-tax, and military and jury duty, except as in the cases before mentioned.

Fire wardens.

SECTION 4. The mayor shall have power to appoint two fire wardens for each ward, subject to confirmation by the common council, who shall perform such duties as the common council may prescribe, and they may at any time enter into any building, house, store, barn or inclosure for the purpose of inspecting the same.

Fines and penalties to be paid to fire department.

SECTION 5. One half of the net proceeds of all fines and penalties recovered and collected for the breach of any ordinance, by-law or regulation made in pursuance of this chapter, shall be paid by the city treasurer to the fire department.

Punishment for refusal to obey lawful orders of officers.

SECTION 6. When any person shall refuse to obey the lawful order of any engineer, fire-warden or alderman of the city, the mayor or city marshal, at any fire, it shall be lawful for the officer giving such order to arrest, or direct orally the marshal, consta-

ble or watchman or any citizen, to arrest such p
and to confine him temporarily in any safe
until such fire shall be extinguished, and in th
manner such officers or any of them may ar
direct the arrest and confinement of any per
such fire who shall be intoxicated or disorderl
any person who shall refuse to arrest or aid in
ing any person so refusing, shall he liable t
penalty as the common council may prescrib
exceeding twenty dollars.

Sack company.

SECTION 7. The common council shall have
to organize a sack company, which shall be
by such name as they may select, and shall con
not more than thirty members. Such compan
constitute a part of the fire-department, and
shall be subject to the control of the engineers.
members of said company, either collectively o
vidually, are hereby authorized and empowe

To act as special police.

act as a special police in and for said city of
mowoc, and are hereby vested with all the pow
authority which now is or may hereafter be ve
any other police of said city, and shall be enti
all the rights and immunities of members of t
department, except exemption from jury duty.
fires they shall take charge of all property
may be exposed or endangered, and shall, as
may be in their power, preserve the same from
or destruction. Such company may, from ti
time, adopt such by-laws as they may deem
sary, not inconsistent with the laws of this st
the ordinances of said city. The members t
shall not be entitled to any compensation fo
service rendered in their official capacity. They
in case of riot or other disturbances of the peace
access to all licensed places of amusement in th
and shall perform such services as may be nec
for the peace and good order of the same.

Treasurer of fire department—his duties.

SECTION 8. The treasurer of the fire depar
shall receive and pay out all moneys belonging t
department, and shall secure the faithful perfor
of his duty by his bond to said city, in such
sum as shall be required, and with surities, to
proved by the common council. Such moneys
only be paid out on orders signed by the chie
gineer or acting chief engineer, and counters
by the clerk of said department.

Officers of fire companies—their duties.

SECTION 9. There shall be elected by the me
of each company aforesaid, annually, at their a

meeting, a clerk or secretary and a treasurer, who shall, on or before the first Monday of May in each year, return to the city clerk a list containing the name of each member of their respective companies; and when any member of either of said companies shall cease to be a member thereof by resignation, expulsion or otherwise, notice thereof shall be given to the city clerk.

Duty of city clerk as to fire department.

SECTION 10. The city clerk is hereby required to keep a record of the members of the several companies organized under this chapter, and such record shall consist of the returns made by the several clerks or secretaries, as above provided; and no person shall be exempt from jury duty unless his name is entered on such list. In case any person shall, for any cause, cease to be a member of either of said companies, the clerk shall note that fact on the list thereof, and shall return to the clerk of the board of supervisors of the county of Waukesha a list of all persons who are members of either or all of said companies exempt from jury duty, on or before the day now appointed, or which may hereafter be appointed for the annual meetings of said board, and said board shall not place the names of such persons on the jury list for the ensuing year.

CHAPTER IX.

ACTION TO RECOVER PENALTIES, ETC.

Action to be brought in corporate name of city.

SECTION 1. All actions brought to recover any penalty or forfeiture under this act, or the ordinances, by-laws, or police or health regulations made in pursuance thereof, shall be brought in the corporate name of the city. It shall be lawful to declare generally in debt for such penalty or forfeiture, stating the chapter and section of this act or the section of the ordinance, by-law or regulations under which the penalty or forfeiture is claimed, and to give the special matter in evidence under it.

Process.

SECTION 2. In all prosecutions for any violation of any of the provisions of this act, or any by-law, ordinance or regulation, the first process shall be a summons, unless oath be made for a warrant as in criminal cases before justices of the peace under the general statutes of the state for the time being.

Form of summons.

SECTION 3. When the action is commenced by summons, such summons may be substantially in the following form:

County of Waukesha—City of Oconomowoc—s

The state of Wisconsin, to the sheriff or any co
ble of said county, or the marshal of the ci
Oconomowoc:

You are hereby commanded to summon A.
he shall be found within your county, to appea
fore the undersigned, one of the justices of the
in and for said city, at my office in said city, o
——day of ——, 18—, at —— o'clock in the——
to answer to the city of Oconomowoc in a pl
debt to the damage of said city, two hundred d
or under.

Given under my hand, at the said city, this
day of ——, 18—. C. D., Justice of the Pea

Return of summons.

SECTION 4. Such summons shall be made re
able and be served in the same manner as is n
may be hereafter prescribed by the laws of the
for the commencement of actions before justi
the peace by summons; all preceedings in the a
except as hereinafter provided, shall be governe
the laws of the state for the time being, relati
actions commenced by summons, and triable b
justices of the peace.

Form of complaint.

SECTION 5. When an action is commenced by
mons, the complaint may be substantially i
following form:

The city of Oconomowoc against A. B.—In jus
court, before C. D., justice.

The plaintiff complains against the defendan
that the defendant, on the — day of —— 18—, a
said city did violate section —— of chapter
of this act, or section —— of an ordinance or by
or regulation of said city, describing it by its
which said —— is now in force. By reason of
violation an action hath accrued to the city of
omowoc, to recover of the defendant the sum of
dollars debt, wherefore the plaintiff demands
ment against the defendant for the sum afor
besides the costs of this action.

Oath for warrant.

SECTION 6. In all cases where oath is made
warrant for the complaint, it shall be made on
of the complainant, and no other affidavit sha
necessary, which last mentioned complaint ma
substantially in the following form:

The city of Oconomowoc against A. B.
In Justice Court before C. D., Justice:

COUNTY OF WAUKESHA—SS:

——— ———, being duly sworn, complains on oath to C. D., one of the justices of the peace in and for the city of Oconomowoc, in said county, that A. B., on the —— day of ——, 18—, at said city, did violate (section ——, of chapter ——, of this act, or section —— of an ordinance, or by-law, or regulation of said city, describing it by its title,) which said ——— is now in force, as this complainant verily believes; and prays that the said A. B. may be arrested and held to answer to said city of Oconomowoc therefor.

Subscribed and sworn to before me this —— day of ———, 18—.

It shall be sufficient to give the number of the section and chapter of this act, or the section of the ordinance, by law or regulation violated in the foregoing forms of complaint, and said complaint may be sworn to before any officer authorized to administer oaths; upon the filing of such complaint with the justice of the peace, he shall issue a warrant substantially in the following form:

County of Waukesha — City of Oconomowoc—ss:

Form of warrant.

The State of Wisconsin to the sheriff or any constable of said county, and to the marshal of the city of Oconomowoc, greeting:

Whereas, ——— ——— has this day complained to me in writing, on oath, that A. B. on the —— day of ———, 18—, at said city, did violate section —— of chapter —— of this act, (or section —— of an ordinance, or by law, or regulation of said city, describing it by its title), which said ——— is now in full force, as the complainant believes; therefore you are commanded to arrest the body of said A. B., and bring him before me forthwith to answer to the city of Oconomowoc, on the complaint aforesaid. Given under my hand, at the said city, this —— day of ——— 18—.

C. D., Justice of the Peace.

Upon return of the warrant, the justice may proceed summarly with the case, unless it be adjourned by consent or for cause. If the case be adjourned, the defendant, if required by the court so to do, shall recognize, with security to be approved by the court, for his, or her, or their appearance in such sum as the court shall direct; or in default thereof, may be

put in charge of the officer who made the arrest committed to the lockup of said city of Oconom or to the common jail of Waukesha county. complaint made as aforesaid shall be the only plaint required, and the plea of not guilty sha in issue all subject matter not embraced in the s

Copies of ordinances &c., to be received as evidence.

SECTION 7. A printed copy of an ordinanc law or regulation passed by the common counc published in a newspaper or in pamphlet or form, purporting to be published by authority common council, shall be prima facie evidence due passage and publication, and shall be recei evidence on trial of all cases cognizable befor court of this state.

Witnesses and jurors.

SECTION 8. Witnesses and jurors shall atte fore a justice of the peace in all city and cri suits, without payment of fees in advance, or der thereof upon process duly served, and in c thereof their attendance may be compelled by a ment.

Findings in city prosecutions.

SECTION 9. In city prosecutions the findings court shall be guilty or not guilty. If guilt court shall render judgment thereon against t fendant for the fine, penalty or forfeiture pres in this act, or in the ordinance, by-law or regu for the violation of which the person or persons have been adjudged guilty, and for costs of sui if not guilty the costs of suit shall be taxed a the city. Upon the rendition of judgment a the defendant, and the nonpayment thereof, th tice shall forthwith issue execution, as in ca tort, in case the action was commenced by sum or a commitment in case it was commenced b rant, and shall, in either case, determine and upon his docket the length of time the defe shall be imprisoned, which shall in no case six months, and also insert such time in the tion or commitment. Such execution shall be following form:

County of Waukesha—City of Oconomowoc, s

Form of execution.

The state of Wisconsin, to the sheriff or an stable of said county, and to the keeper of the mon jail of said county, or to the keeper of the lo of said city, greeting:

Whereas, The said city of Oconomowoc. —— day of ——, 18—, recovered a judgment the undersigned, one of the justices of the pe

and for said city, against ———, for the sum of —— dollars and —— cents, (the fine, penalty or forfeiture), and the sum of —— dollars and —— cents, the cost of suit, for the violation of (section —— of chapter ——, of this act, or section ——, of an ordinance, or by-law, or regulation of said city, desribing it by its title). You are hereby commanded to levy distress of the goods and [and] chattels of said ——— excepting such as the law exempts, and make sale thereof according to law, to the amount of said sum, together with your fees, and twenty-five cents for this writ, and the same return to me in thirty days, and for want of such goods and chattels whereon to levy, to take the body of said ———, and herein convey and deliver (to the keeper of the common jail in Waukesha county, or to the keeper of the lock-up of said city, as the case may be), and the said keeper is hereby commanded to receive, keep in custody (in said jail or lock-up, as the case may be), the said———, for the term of ———, unless the said judgment, together with all the costs and fees, are sooner paid, or he be discharged by due course of law.

Given under my hand, this ——day of ——, 18—.

C. D., Justice of the Peace.

Form of commitment.

The form of the commitment shall be substantially the same as that of the execution, omitting all that relates to the levy and sale and return of writs.

Appeals to circuit court.

SECTION 10. In all cases where judgment is rendered against a defendant for the recovery of fines or penalties mentioned in this act, or the ordinances now in force or hereafter to be ordained, the defendant may appeal from such judgment to the circuit court of the county of Waukesha; *provided*, such defendant within twenty-four hours enter into a recognizance, with one or more sufficient sureties, to be approved by such justice, conditioned to appear before said circuit court and abide the judgment of the court therein. The justice from whose judgment an appeal shall be taken, shall make a special return of the proceedings had before him, and shall forthwith cause the summons or warrant and return, together with the proceedings and a copy of the entries on his docket in the action, together with the recognizance, to be filed in the office of the clerk of said court; and the city may appeal from any such judgment without giving such recognizance, as in other cases before justices of the peace.

No notice of trial required.

SECTION 11. Said appeal shall stand for tri jury, unless a jury be waived in the manner pro by law, in said circuit court, at the next term t of after the day the judgment of the justice sha rendered, and no notice of trial shall be requir be given to or by either party.

Judgment to be entered.

SECTION 12. If the judgment of the justice be affirmed, or if upon the trial the defendant be convicted, the court shall inflict the penalty vided by this act, or the ordinance, resolutio law or regulation under which he or they are p cuted, and enter judgment against him or ther their sureties for such penalty, together wit costs in both courts and enforce the same by e tion as in actions of tort.

Residence not to be ground for incompetency.

SECTION 13. No person shall be an incomp judge, justice, juror or witness by reason of his an inhabitant of said city, in any proceeding o tion in which the city shall be a party in intere

Ordinances, &c., to remain in force.

SECTION 14. All ordinances, resolutions, by and regulations now in force in the village of omowoc, and not inconsistent with this act, sha main in force until altered, modified or repeal the common council, after this act shall take eff

All actions to be vested in and prosecuted by city.

SECTION 15. All actions, rights and pen fines and forfeitures, in suits or otherwise, which arisen or accumulated under the several acts co dated herein, shall be vested in and prosecuted b corporation hereby created.

Service of process against city.

SECTION 16. When any suit or action sh commenced against said city, the service of all cess and papers therein may be made by leav copy of such process and papers, by leaving a thereof with the mayor or clerk of said city, a shall be the duty of the said mayor or clerk so s forthwith to inform the common council there to take such course or proceedings as by ordi or resolution of said council may be in such cas vided.

Penalties, fines &c., to be paid into city treasury.

SECTION 17. All penalties, fines and forfe recovered and collected under and by virtue o act, or the ordinances, resolutions, by-laws and lations made and passed in pursuance thereof, be paid into the city treasury, for the use and b of said city, except as provided in chapter eig this act.

Exempt from execution.

SECTION 18. All fire engines, hose-carts, hook ladders and wagons therefor, and all other appa

and implements used to extinguish fire, and all houses or buildings owned or occupied by said city for such engines, hose, hose-carts, hooks and ladders and other apparatus and implements, shall be exempt from attachment or execution issued in any action, or on any judgment wherein the said city shall be a party.

SECTION 19. The mayor shall have power to grant pardons or commutations after convictions, for all offenses against the ordinances of the city, upon such conditions as he may deem proper. He shall communicate any such actions to the council at its next meeting with reasons therefor. Mayor may grant pardons.

CHAPTER X.

IMPROVEMENT OF STREETS AND SIDEWALKS.

SECTION 1. Every ordinance, resolution, order or by law for the repairing, construction [or] reconstruction of any sidewalk or gutter at the expense, in whole or in part, of the owners of the lots or parcels of land abutting or fronting such sidewalk or gutter, shall, on being introduced at a meeting of the common council, be referred to some appropriate committee, and any such ordinance, order, resolution or by-law, shall not be passed or adopted sooner than seven days after the introduction thereof, nor shall such ordinance, order, resolution or by-law take effect until after its publication or posting thereof in the manner provided in section four of chapter four of this act. Construction and repair of sidewalks, gutters, &c.

SECTION 2. The common council of the city of Oconomowoc shall have power to establish the grade of the streets of said city, and to change and re-establish such grade as they shall deem expedient; *provided*, that whenever they shall change or alter the grade of any street, any person who shall claim to have sustained damages by such change or alteration of grade, shall have a right of action against the city for the recovery of such damages, but no suit shall be commenced against the city therefor until application has been made to the common council to pay such damages, and said council shall have refused or neglected for three months to pay or settle the same. Grade of streets.

SECTION 3. It shall be the duty of the city marshal to see that all the ordinances of the city relating to obstructions and cleansing of sidewalks, streets, Duty of marshal.

alleys, public grounds, reservoirs, gutters, se
water and water-courses in said city are dul
served and kept. The committee on streets,
appointed by the mayor, shall have a general s
vision over all works let by contract or otherwi
the improvement of streets or sidewalks and g
in said city, unless the common council shall
wise provide.

Manner of construction of sidewalks, &c.

SECTION 4. Sidewalks and gutters shall be
structed, reconstructed or repaired upon the p
established grade made by the city of any str
said city, of such width, in such manner, of suc
terials, and in such time as the common coun
ordinance, resolution or order shall direct, b
owner or owners of any lot or piece of ground in
of which such sidewalk or gutter shall be or
If the owner or owners of any such lot or pie
ground shall not construct such sidewalk or
as aforesaid, in the manner, of the material, or
time so directed, the common council may cau
same to be constructed forwith, at the expense o
owner or owners. The common council shall l

Special tax.

special tax upon each lot or piece of ground in
of which any sidewalk or gutter shall be constru
sufficient to pay the cost of constructing the sa
the said tax to be collected at the time and
manner as is provided herein for the collecti
other taxes, provided that lands used exclusive
farm purposes, not platted, shall not be liable fo
the owner or owners thereof be required to bu
maintain sidewalks along or fronting such land
der the provisions of this chapter.

Street commissioner to cause repairs.

SECTION 5. Whenever a sidewalk shall be
repair and so remain for the space of twenty
hours, which in the opinion of the street co
sioner will not cost to exceed the amount of ten
lars, in front of any one lot or piece of ground,
pair the same, he shall be authorized, and it is
by made his duty, to cause the same to be im
ately repaired; thereupon, after such work is co
ted, the common council shall levy a special ta
on said lot or piece or parcel of land, to pay the
in the same manner as special taxes are levied f
construction of sidewalks.

Work of improvement to be let to lowest bidder.

SECTION. 6. The common council of said city
have power, and may in its discretion, by an af
tive vote, let to the lowest responsible bidder,
bid it shall deem reasonable and proper, or as

may otherwise order, the construction of any sidewalk or gutter, or the making of any improvement on or along any street or highway in said city limits which shall have been ordered, levy and collect a tax upon each lot or piece of ground in front of which said side walk, gutter or improvement shall have been ordered and constructed under such contract or otherwise sufficient to pay the cost of constructing the same, as provided in section four of this chapter.

Costs and expenses of surveying, &c., payable by city.

SECTION 7. Costs and expenses of surveying streets, alleys, sewers and gutters, and of estimating work thereon, in the execution of any public improvement, shall be chargeable to and payable by the city.

Work to be done under supervision of street committee.

SECTION 8. All work provided for in this chapter shall be done under the supervision of street committee, and shall be approved by them before it shall be accepted by the council.

Highway tax.

SECTION 9. The common council of the city of Oconomowoc shall on or before the first Monday in May in each year, determine and levy the amount of highway tax in said city for the ensuing year, for the purpose of constructing and repairing streets and highways in said city, which amount shall not be more than five mills on the dollar upon all of the taxable property of said city, as the same shall appear by the last assessment roll of said property.

Duty of city clerk in levy of highway tax.

SECTION 10. The city clerk shall, within twenty days after said highway tax shall be so levied, make out and deliver to the city treasurer, a list of all persons liable to pay highway taxes in said city, which list shall also contain a statement of all the taxable personal property, and a description of all lots or parcels of land within said city, with the value of each lot or parcel set opposite to such description, as the same shall appear on the assessment roll of the previous year; and if such lot or tract was not separately described in such roll, then in such proportion to the valuation which shall have been affixed to the whole tract of which such lot or parcel forms a part, and the amount of such tax shall be carried out in a separate column opposite the name of each person or persons, corporation or corporations to whom each item of taxable property upon said list is to be assessed, and such highway tax determined and levied shall be due and payable within thirty days from and after the first public notice given by the city treasurer that said tax-list is in his hands for collection.

Duplicate list to be made.

SECTION 11. The city clerk shall make a duplicate

of such list, both of which shall be signed b
mayor and countersigned by the city clerk, o
which lists shall be filed in the office of the city
and the other shall be delivered to the city trea

Warrant to be annexed.

SECTION 12. The city clerk shall annex to
such tax-list a warrant, signed by the mayor a
city clerk, which shall be in substance in the f
ing form:

Form.

To A. B., treasurer of the city of Oconomowoc

You are hereby required to collect from the
al persons and corporations named in the annex
list, and from the owners of the real estate des
therein, the taxes set opposite to such person
porations and property within the time limit
this chapter, and to apply the taxes by you
lected, and make returns thereof on or befo
third Monday of November next.

Dated—— day of—— 18—,

——— ——— City Cl
——— ——— Mayor.

Powers of city treasurer in collecting taxes

SECTION 13. The city treasurer shall hav
same powers and proceed to collect the said ta
the same manner as in the collection of g
taxes, and such taxes so collected shall be pas
the highway fund and kept and paid out as
and in case the said treasurer shall be unable
lect any portion of said tax, he shall, on or
the third Monday in November of each year,
out and deliver to the city clerk of said city,
fied copy of the public notice given by him, to

List of unpaid taxes.

with a list of all such unpaid taxes, which list
contain the names of all persons, corporation
porations, and the description of all real est
personal property included in said tax roll, a
amount of such tax against each said descripti
items so uncollected, which said list shall be
to by said city treasurer, before some officer a
ized to administer oaths.

SECTION 14. Upon the receipt of such lis
city clerk shall at the time of making out the g
annual tax-roll of said city for that year, place
separate column on said roll, the amount of s
linquent tax against the proper description
estate and personal property, which shall be co
or returned in the same manner as general tax
collected or returned by law.

CHAPTER XI.

EDUCATION—PUBLIC SCHOOLS.

SECTION 1. The territory embraced within the limits of school district number ten (10) of the city of Oconomowoc joint with the town of Oconomowoc, and district number three (3) of the city of Oconomowoc and Summit in Waukesha county, shall hereafter form one district for school purposes, and the said district so formed shall be called and known as the Oconomowoc city school district.

School district.

SECTION 2. The present school districts mentioned in the preceding sections shall be perpetuated with all the rights and powers now possessed by said districts respectively, and each of said districts shall be continued and maintain its organization for the purposes hereinafter named.

Present districts to be perpetuated.

First. For the erection, keeping in repair, and keeping insured, all school buildings, used for public school purposes (excepting the high school) within the limits of each of said districts.

For erection and keeping in repair school buildings.

Second. For the payment of all debts outstanding, or hereafter contracted, by said districts, with the interest thereon.

For payment of debts.

Third. For the purchase of any site or sites for any school building in said districts (except for high-school purposes), and for the the election of school officers in the manner provided, or which may hereafter be provided by law, and for the purpose of taking the census provided for by law, which when taken shall be returned to the city clerk, and to the clerk of the city school board in duplicate.

For purchase of sites for school buildings.

SECTION 3. The said school districts shall hereafter hold school meetings in the manner provided by law, and at the time hereinafter mentioned, at which meetings officers shall be elected and taxes may be voted for purposes named in the last preceding section, and any tax voted at such meeting, shall be collected and paid over to the treasurer of such districts in the manner provided by law, and the officers so elected shall have and exercise all the powers and perform all the duties now provided by law that may be necessary to carry out the purposes named in the last preceding section; *provided, however*, that said district boards shall not exercise any of the powers or perform any of the duties vested in the school board created in this act.

Shall hold meetings for electing officers voting tax, &c.

General management and supervision of schools.

SECTION 4. The director of said school distr ten (10) and the director and treasurer of said district No. (3) three, (as now constituted and ter to be elected), together with the city supe dent of schools of the city of Oconomowoc, a representatives to be appointed by said commo cil of said city, one of whom shall hold office year and one for two years from and after the Monday in July after this charter takes effe one representative to be appointed by said cil each and every year thereafter for the term years, (*who*) shall have the general manageme supervision of the public schools within said d The city superintendent of schools shall be ex president of said board and shall have the ri vote only in case of a tie, except as hereinafter ded. The officers above named shall be call known as "The Oconomowoc city school board." city school board shall also have and exercise powers conferred upon district school boards laws of this state which are not inconsistent w powers reserved in this act to the district named in section one of this act, and the said mowoc city school board are hereby authoriz empowered to adopt a code of by-laws for i government and also to ordain and establish suc and regulations as may by said board be deem essary to carry out the spirit of this chapter a force its provisions, and whenever such rules ulations do not controvert this act they shal obligatory upon said district as though such and regulations were incorporated herein.

School board.

Duties of school board.

SECTION 5. It shall be the duty of said city board each year to elect one of their number and said board shall also elect a treasurer of sa trict who shall be a resident voter in said d and the persons so elected shall hold their offi one year unless removed by the board. The may also at any meeting thereof fill any vacan may occur in either of said offices from remov ignation or other cause.

Duties of clerk.

SECTION 6. It shall be the duty of the cl keep a record of all meetings held by the said he shall sign all contracts or agreements m pursuance of any vote or resolution of said which contracts or agreements by or in behalf board or said district, shall also be signed president or the president pro tem of said boar

erk shall also perform all the duties prescribed
for clerks of joint school districts which are
consistent with the provisions of this chapter.

Duties of treasurer.

TION 7. The treasurer of said school district
have the custody of all moneys collected or re-
under the provisions of this chapter and all
s payable within the limits of said district from
come of the school fund, or from county school
evied and collected within the county of Wauke-
all be paid over to the treasurer of said district,
l moneys so received by him shall be paid out
l treasurer upon orders drawn upon the treas-
y the clerk of said board, pursuant to a vote or
tion of said board, which order shall be coun-
ned by the president or president pro tem. of
oard. The treasurer shall also before entering
the duties of his office, execute a bond to said
t in the usual form of school district treasur-
onds. Said bond shall be in such penal sum
ll be approved by the board and the said
may at any time require the said treasurer to
new bond with additional security; and in
e said treasurer shall fail to give any bond or
as required by said board, his office shall
fter be deemed vacant.

Powers of school board.

TION 8. The said school board created by this
r shall, in addition to the powers enumerated
onferred by section four of this chapter, have
ght and they are hereby authorized and empow-
t their annual meeting, or at any adjourn-
of said annual meeting, to vote to raise by tax
the property of said district, such sums of mon-
may be necessary for the purposes of sustaining
aintaining the public schools of all grades in
strict hereby created, for the year then next en-

To levy tax.

provided, that the amount so levied in any
ar, for the purposes mentioned in this section,
ot exceed the sum of seven dollars for each
r embraced in the school census last taken of
strict hereby created; *provided herein*, that if
opinion of a majority of the board a greater
hall be necessary, the same may be voted at a
g of the qualified electors of said district,
in the manner hereinbefore provided.

To determine upon site for high school building.

TION 9. The said school board are hereby au-
ed and empowered, by a vote of five of their
er, including the city superintendent, who shall,
s purpose, be entitled to a vote, to select and

intendent shall be fixed at the time, and by the
appointing him; and the amount of such com
tion shall be levied and collected as other schoo
and no other officer created by this chapter sl
ceive any compensation for his services, exce
clerk of the city school board. The city clerk sl
tend said meeting and keep a record of its p
ings, and he shall certify the said election
common council of the city of Oconomowoc,
clerk of the circuit court of Waukesha count
to the clerk of the board of supervisors of said
ty, by a proper certificate thereof, which shall
by said clerks in their respective offices upon
ceipt thereof.

Powers of school superintendent.

SECTION 14. The person elected superintend
schools in the manner provided in the last s
shall hold his office for the term of one year a
til his successor is elected and qualified, and a
superintendent he shall have and exercise
powers and perform all the duties prescribed
chapter; and in addition thereto he shall ha
same power as the superintendent of schools o
kesha county not inconsistent with the provis
this act.

Vacancy—how filled.

SECTION 15. In case there shall at any tin
vacancy in the office of superintendent of s
from resignation or other cause, said vacancy
filled by the officers named in section thirteen
chapter, at any meeting thereof called by the
or acting mayor, or any two members of said
board above named.

Superintendent of schools to give bond.

SECTION 16. Every person elected or appoi
the office of superintendent of schools, pursu
the provisions of this chapter, shall, within tw
after his election and before entering upon the
of his office, execute to the said "The Ocono
city school district," a bond, with one or mo
ficient sureties, in such penalty as shall be fi
the said city school board, conditioned for the
ful application and legal disbursement of all
that may come into his hands as superintende
for the faithful discharge of the duties of his
which bond shall be approved by said city
board, and by the mayor or acting mayor of t
of Oconomowoc; and in case said bond is not
ted and approved in the manner above provide
filed with the clerk of said school board wit
time prescribed in this section, the office sl
deemed vacant.

TION 17. The school board created by this chap- all have the supervision and control of all the c schools in the said "The Oconomowoc city l district," and it shall be the duty of the said to employ a principal and suitable teachers in public schools as they may think necessary, and fix and determine the compensation to be paid ch of said teachers and the duties to be per- ed by them respectively; said board shall also and exercise all the powers conferred by law school district boards which are not inconsis- with this chapter and its provisions.

Powers and duties of school board.

TION 18. Meetings of the electors of the dis- hereby created may be called at any time by the board at some suitable and convenient place n said district. Notice of such meeting shall ven by publication thereof in some newspaper ed in the city of Oconomowoc for two weeks ssively or by posting in six public places in said notices thereof; the first publication or posting ch notice to be at least ten days prior to the of such meeting. When convened pursuant to notice, said electors may elect a chairman and clerk of the board shall be secretary of such ings, and said meetings may be adjourned from to time, and at any such meeting any business be done or transacted which is authorized by ws of this state to be done at annual school dis- meetings, and which is not inconsistent with owers of this chapter vested in the Oconomowoc school board or reserved to said districts num- ten and three.

Meetings—how to be called.

How conducted.

TION 19. The Oconomowoc city school board board of education or otherwise shall not be red to elect by order or resolution or otherwise such city or city school district shall for the ensuing year or any other year be exempt from rovisions of chapter one hundred and seventy- general laws of 1861, entitled, "an act to create ffice of county superintendent of schools," but boards and the schools under its control, shall be pt from the provisions of said chapter, except in natter of making reports to the county superin- ent, and doing such other acts as shall be ssary to maintain its connection with the school m of the state, anything in this act to the con- notwithstanding.

Exempt from provisions of chap. 179 general laws of 1861.

TION 20. No outlay for any site for a high

No outlay

without petition.

school or graded school, or erection of any school or graded school building as contemplate this chapter, shall be made without a petition t for, signed by at least fifty resident freeholder tax-payers of said city school district.

CHAPTER XII.

MISCELLANEOUS PROVISIONS.

Appropriations

SECTION 1. No moneys shall be appropriate any purpose whatever, except such as are exp authorized by this act.

Penalties and judgments.

SECTION 2. No penalty or judgment recover favor of the city shall be remitted or discharge cept by a two-thirds vote of the aldermen elect.

Survey of lines and boundaries.

SECTION 3. The common council may at any cause a new and accurate survey to be made c lines and boundaries of all the streets, alleys, walks, public grounds, wharves and blocks in city and may cause to be established such p nent land marks as they may deem necessary, a cause an accurate plat or plats thereof to be and certified to by the surveyor, which shall be in the office of the city clerk, and recorded i office of the register of deeds of the county of kesha, and in like manner they may cause an acc map of the said "The Oconomowoc city school dis provided for and mentioned in chapter eleven o act and have the same filed and recorded (when fied to by the surveyor) with said city clerk an ister of deeds.

Surveys and land marks to be evidence.

SECTION 4. The surveys and land marks so and established shall be prima facia evidence lines and boundaries of all streets, alleys, side public grounds, wharves and blocks, in all cas which they shall be drawn into controversy courts in this state.

Council to establish grades.

SECTION 5. The common council may, at such as they may deem proper, establish the grades streets, alleys and sidewalks of said city, or a either of them, and shall cause accurate profiles of to be made, one of which shall be filed i office of the register of deeds of Waukesha co and one shall be filed in the office of the city and should the grade so established be at any thereafter altered, all damages, costs and charges for shall be paid by the city to the owner of an

cel of land or tenament which may be affected
ıred in consequence of the alteration of such
provided, however, that nothing in this section
ned shall be so construed as to prevent the street
ittee of the said city from ordering or causing to
ıe the grading of any street within said city
emporary grade, to be established by the com-
ouncil.

TION 6. The city may have, purchase and hold
ıd personal estate sufficient for the convenience
inhabitants thereof, and may sell and convey
ıme; and the same while owned, occupied or
y said city shall be exempt from taxation.

City to possess real estate.

TION 7. Real estate exempt from taxation by
ws of this state shall be subject to special tax-
as other real estate under this act.

Special taxation.

TION 8. When the city of Oconomowoc deeds
ses any real estate or any interest therein
by said city, the party of the first part shall
e city of Oconomowoc and the person or per-
authorized to execute such deed or lease need
named in the body thereof.

Deeds to be granted in name of city.

TION 9. The mayor of said city is hereby au-
ed, when the common council shall, by ordi-
or resolution for that purpose, describe the
state and interest to be conveyed under and
him so to do, to execute a deed or lease of
eal estate or interest therein belonging to the
ity. The said deed or lease shall be signed by
ıayor of the city and countersigned by the
lerk, and sealed with the corporate seal of
ity, and duly witnessed and acknowledged as is
led for the execution of deeds and conveyances.

Transfer of real estate.

TION 10. When any such deed or lease is so
ted, the city clerk shall attach to such deed or
a true copy, by him duly certified, of the ordi-
or resolution aforesaid, and the same shall be
led by the register of deeds with said deed or
and such copy so attached, and record thereof,
be in all courts of this state prima facie evi-
of the authority of the mayor to make and
te such deed or lease.

Clerk to attach copy of ordinance.

TION 11. If any election by the people for
ıon council shall, for any cause, not be held at
me or in the manner herein prescribed, or if
council shall fail to organize as herein pre-
d, it shall not be considered reason for arrest-
suspending or absolving said corporation, but

In case election for common council shall not be held.

such election or organization may be held at any
sequent day by order of the common council, a
any of the duties enjoined by this act or the
nances or by-laws or regulations of said city,
done by any officer, at any time specified, and
same arrest [are not] there [then] done or perfor
the common council may appoint another tim
which said act may be done and performed.

Act not repealed by general laws.

SECTION 12. No general law of this state co
vening the provisions of this act shall be consid
as repealing, annulling or modifying the same u
such purposes be expressly set forth in such la
an amendment to this chapter or this act.

Poll tax.

SECTION 13. Every male inhabitant in the ci
Oconomowoc over twenty-one years of age and u
fifty, except active members of the fire departm
and those otherwise exempt by the general la
this state, shall pay into the city treasury annually
sum of one dollar and fifty cents each, as poll tax
shall be the duty of the assessor of the city of O
mowoc during the month of April of each ye

Assessor to make lists.

make out duplicate lists of all persons liable to
tax in the city of Oconomowoc, and said ass
shall, on the last Monday of April of each yea
liver one of said lists to the city clerk, and one t
treasurer of said city of Oconomowoc. The

Treasurer to collect poll tax.

treasurer shall thereupon immediately proceed t
lect the same, and all persons liable to pay such
who shall not have paid the same after demand,
er personal or by written notice left at their
place of abode, on or before the first day of J
each year, shall be liable to and shall pay a pe
of two dollars, in addition to said poll tax tog
with the costs of prosecution, to be prosecuted f
said treasurer in the name of the city of Oconom

Process of collection.

The process in each case shall be by warrant, as
vided for in chapter nine of this act, entitled,
tions for the recovery of penalties," etc., and in
judgement shall be rendered against the defenda
such action, and he shall refuse or neglect t
such judgement, he shall be imprisoned in the co
jail of Waukesha county or in the lock-up of the
of Oconomowoc, ten days. The moneys collect

Money to be kept as a district fund.

herein provided for, shall be kept as a district
and shall be expended for the benefit and imp
ment of the streets of the city of Oconomowoc.
mayor, city clerk and treasurer, shall constit
board to determine the liability of persons to pay

nd all persons claiming to be exempt from such ust apply to said board within twenty days from me when said lists shall be delivered to the rer as aforesaid. The city treasurer shall re- the same fees for collecting said tax as he does llecting taxes assessed upon real and personal rty; *provided*, that if any person shall desire shall be permitted to perform one day's work the streets of the city in which he resides, and ertificate of the street commissioner, that such n has performed one full day's labor on said s shall be received by the city treasurer in full arge of such tax.

Fees of treasurer.

TION 14. The jurisdiction of the justices of the of the city of Oconomowoc shall be co-extensive the county of Waukesha, and the said justices e peace shall have exclusive jurisdiction to try minal cases, and conduct all examinations with- d city in which the said city is a party under ws of which justices of the peace have jurisdic- and according to this act. And the justices of eace of said city shall have and possess all the , powers and privileges of justices of the peace; ll the laws of this state concerning justices' , shall apply to the justices' courts of the city onomowoc, except so far as the said laws con- vith the provisions of this act.

Jurisdiction and powers of justices.

TION 15. In all cases where an action might be ht by the city of Oconomowoc against any per- company or corporation, such action may be enced and prosecuted in the name of the city, y elector of said city, provided that the com- is made by any person other than a police offi- said city of Oconomowoc, sheriff of Waukesha y, or any officers of said city. The justice may, discretion, require seventy-five cents as in civ- rts before justices of the peace.

Actions to be prosecuted in name of the city.

TION 16. The common council shall have pow- require the owner of any lot or grounds in the to set out ornamental trees in the street or s fronting on the same, and in default thereof se the same to be done, and to levy a special pon such lot or grounds to pay the expenses of me.

Ornamental trees.

TION 17. This act is hereby declared a public nd shall be liberally construed in all courts of tate.

Nature of act.

TION 18. Whenever the city clerk may be ab-

City clerk,

pro tem.

sent and not attend any meeting of the co
council, said council may appoint one of their
ber clerk *pro tem.*

Fees of treasurer.

SECTION 19. The city treasurer shall be entit
fees as his compensation for collecting and disbu
all moneys received and paid out by him for th
city, at a rate not exceding two per cent., exce
for the collecting and paying over those taxes
wise provided for in this act.

Jurisdiction of city over certain street.

SECTION 20. The said city of Oconomowoc
have full and complete jurisdiction over, and c
of, all that certain highway or street, the centr
of which is on and forms a part of the north
dary line of said city, extending from the nor
corner of said city of Oconomowoc, west to th
shore of La Belle Lake, with full power hereby
to said city to establish the grade of such
and lay out highway taxes thereon for improvin
repairing the same in the same manner and t
same extent, said city is hereby authorized b
act to establish the grades of, and improve and
any of the streets which are wholly within the
of said city.

Publications, compensation for same.

SECTION 21. All publications required by th
to be published in any newspaper, shall be so
lished under the laws of the state, and the comp
tion to be paid therefor shall in all cases, (unles
erwise contracted by the common council), be
rates established and prescribed by the laws o
state, which rate shall not exceed sixty cent
every folio of such published matter for its fir
sertion, and thirty-five cents per folio for each
ceeding insertion in said newspaper.

Council may change boundaries of wards.

SECTION 22. The common council shall hav
right and power, at any time after said city shall
been organized under this act, by ordinance to ch
the boundaries of the said several wards of the
and to make and establish new wards therein
ever the common council may deem best; *prov*
that whenever the common council proceed to
or change the boundaries of said wards, or to
lish new wards in said city, due regard shall b
to the population and the valuation of proper
each ward, so that all the wards in said city, wh
changed or established, shall be as near equal in
respective populations and assessments as practi

Equality to be observed.

Village property to become vested in city.

SECTION 23. All the personal and real pro
now belonging to the village of Oconomowoc

d after this act takes effect, belong to and be- the personal and real property of the city of omowoc.

TION 24. The mayor and common council of ty of Oconomowoc shall possess all the powers hall exercise all the duties vested in town boards pervisors of this state for all purposes whatever, t as otherwise provided by this act.

Mayor and council to possess powers of town supervisors.

TION 25. The town clerks of the respective of Summit and Oconomowoc, in Waukesha y, shall, on or before the first Monday of May, severally make out, certify to, and deliver to ty clerk of the city of Oconowoc, lists of all the nd personal property, together with the names ners thereof, being within the said towns of nit and Oconmowoc, and being in those portions ch towns which by this act are taken from said and added to and included in and made a part e city of Oconomowoc as same appears from last assessment rolls of said towns, and also in me manner and at the same time, make out, y to, and deliver to said city clerk lists of the of all persons in such portions of said towns re liable to pay a poll-tax.

Town clerks to make out lists of property and of persons liable to pay poll tax.

TION 26. All that portion of the town of Sum- n Waukesha county, which by the provisions s act is separated from said town of Summit, attached to and included in said city of Oconoc and become a part and parcel thereof, to- r with all the inhabitants who now reside d who may hereafter reside within said por- f said town of Summit, shall from and after ssage of this act be attached to and become a nd parcel of the second Assembly district of Vaukesha county, comprising the towns of Me- ee, Brookfield, Lisbon, Pewaukee, Merton, eld and Oconomowoc and the village of Oconoc; and said Assembly district shall hereafter e within its limits the whole of said city of omowoc as constituted by this act and all the ied electors of said city of Oconomowoc shall ter be considered and taken as qualified electors f and of said Assembly district at all general ecial elections, with full right to vote thereat vided by law and this act.

Assembly district.

TION 27. All acts or parts of acts inconsistent nd conflicting with the provisions of this act are y repealed; but the repeal of said acts or parts

Repealed.

of acts shall not in any manner affect, injure
validate any contract, claims, penalties or de
that may have been entered into, performed
menced, or that may exist under or by virtu
pursuance of said acts, or any former act inco
ing the village of Oconomowoc, or any of the
the same shall exist and be enforced and carri
and completed as fully and effectually, to all
and purposes, as if this act had not been passe
all the members of the present board of trus
the village of Oconomowoc shall hold their offi
exercise the duties thereof until the mayor and
bers of the common council of said city of Oc
woc shall be elected and qualified, and no long

SECTION 28. This act shall take effect and
force from and after its passage.

Approved February 25, 1875.

CHAPTER 60.

[*Published March* 1,

AN ACT to provide for holding terms of court in Lincoln co
for the election of a county judge therein.

The people of the state of Wisconsin, represe
Senate and Assembly, do enact as follows:

County of Lincoln organized for judicial purposes.

SECTION 1. From and after the first day
next, the county of Lincoln shall be fully or
for judicial purposes, and shall enjoy all the
and privileges appertaining to other counties so
ized in this state.

Time of holding court.

SECTION 2. There shall be held annually
county, at the county seat thereof, one term o
on the fourth Monday of September.

Laws now in force to apply.

SECTION 3. All writs and proceedings shal
and be made returnable, as required by law i
counties, and laws now in force applicapable
summoning and empanelling of jurors sha
force in said county of Lincoln.

Officers to be elected.

SECTION 4. The qualified electors of the co
Lincoln shall, on the first Tuesday of Apri
elect a sheriff, clerk of the court and district a
for said county, who shall hold their offices u
first day of January, 1877; at the same ele

y judge shall be elected, who shall hold his office
e year, and until his successor is elected and
ied; at the elections authorized by this section,
otes given for such offices shall be returned and
ssed in the same manner as votes are returned
anvassed in other organized counties of this

TION 5. This act shall take effect and be in
from and after its passage and publication.
proved February 25, 1875.

CHAPTER 61.

[*Published March* 1, 1875.]

CT to authorise the regents of the University of Wisconsin to
an additional edifice for scientific purposes, and to appropri-
oney therefor.

eople of the state of Wisconsin, represented in
Senate and Assembly, do enact as follows:

TION 1. To enable the regents of the Univer- **Appropriation.**
of Wisconsin to build an additional edifice for
ific purposes upon the University grounds,
is hereby appropriated to said regents out of
oney in the state treasury not otherwise appro-
d, the sum of eighty thousand dollars; *provi-*
hat not to exceed the sum of twenty-five thous-
ollars shall be drawn from the state treasury or
and collected as a part of the state tax during
ear 1875.

TION 2. The regents of the University of Wis- **Regents authorized to erect additional edifice.**
are authorized to erect such additional edifice
h time and after such plan as they may deem
ient; and the treasurer of such board is author-
o pay out of the money as appropriated by section
f this act, as the same may be required for
purpose, upon such vouchers as the board of
ts may direct. This act shall be so construed
limit the liability of the state on account of the
on of such edifice, to the amount herein appro-
d.

TION 3. This act shall take effect and be in
from and after its passage.
proved February 25, 1875.

CHAPTER 62.

[*Published February 26,*

AN ACT to appropriate a sum of money therein named to
tution for the education of the blind for current expen

The people of the state of Wisconsin, represe
Senate and Assembly, do enact as follo

Appropriation. SECTION 1. There is hereby appropriated,
any money in the general fund not otherwise
priated, the sum of eighteen thousand dollars,
payment of current expenses at the institution
education of the blind, for the year 1875.

To be drawn quarterly. SECTION 2. All sums of money for current
es shall be drawn from the treasury not often
quarterly, in advance.

SECTION 3. This act shall take effect and
force from and after its passage and publicati

Approved February 25, 1875.

CHAPTER 63.

[*Published February 26,*

AN ACT to appropriate to the Northern Hospital for the
sum of money therein named, for current expenses.

The people of the state of Wisconsin, represe
Senate and Assembly, do enact as follo

Appropriation. SECTION 1. There is hereby appropriated
Northern Hospital for the Insane, out of any
in the state treasury not otherwise appropriat
sum of fifty-five thousand dollars, for current
es for the year 1875, to be drawn not often
quarterly, in advance.

SECTION 2. This act shall take effect and
force from and after its passage and publicati

Approved February 25, 1875.

CHAPTER 64.

[*Published February 26, 1875.*]

' to appropriate a sum of money therein named to the Wis- Hospital for the Insane, located at Madison, for current ex- and boilers.

ople of the state of Wisconsin, represented in nate and Assembly, do enact as follows:

ION 1. There is hereby appropriated out of ney in the general fund not otherwise appro-, the sum of sixty-three thousand five hundred for the payment of current expenses at the sin Hospital for the Insane, located at Madi- the year 1875; and also the further sum of housand dollars for the purchase and setting of w boilers. Appropriation.

ION 2. All sums of money for current expens- l be drawn from the treasury not oftener than ly, in advance. To be drawn quarterly.

ION 3. This act shall take effect and be in rom and after its passage and publication.

roved February 25, 1875.

CHAPTER 65.

[*Published February 26, 1875.*]

' to appropriate to the Wisconsin Hospital for the Insane a money therein named, for machinery.

ople of the state of Wisconsin, represented in nate and Assembly, do enact as follows:

ION 1. There is hereby appropriated to the sin Hospital for the Insane, out of any money state treasury not otherwise appropriated, the one thousand dollars for the purchase of ma- for shop and materials. Appropriation.

ION 2. This act shall take effect and be in rom and after its passage and publication.

roved February 25, 1875.

CHAPTER 66.

[*Published February 26*

AN ACT to appropriate a sum of money therein named dustrial School for Boys, for current expenses.

The people of the state of Wisconsin, repres Senate and Assembly, do enact as follo

Appropriation. SECTION 1. There is hereby appropriated ou money in the general fund not otherwise ap ted, the sum of twenty-eight thousand do current expenses at the Industrial School f for the year 1875.

To be paid quarterly. SECTION 2. All sums for current expenses drawn from the city treasury not oftener th terly in advance.

SECTION 3. This act shall take effect an force from and after its passage and publicat

Approved February 25, 1875.

CHAPTER 67.

[*Published February 2*

AN ACT to appropriate to the superintendent of public sum of money therein named, for the use of the St

The people of the state of Wisconsin, repres Senate and Assembly, do enact as follo

Appropriation. SECTION 1. There is hereby appropriate superintendent of public property, out of an belonging to the general fund not otherwis priated, the sum of seven thousand five hun lars, being the amount estimated as nece the purchase of stationary for the use of officers and the legislature for the ensuing y

SECTION 2. This act shall take effect an force from and after its passage.

Approved February 25, 1875.

CHAPTER 68.

[*Published February 26, 1875.*]

CT to appropriate a certain sum of money therein named for ayment of current expenses of the Soldiers' Orphans' Home, e year 1875.

people of the state of Wisconsin, represented Senate and Assembly, do enact as follows:

CTION 1. There is hereby appropriated, out of noney in the general fund not otherwise appro- d, the sum of seven thousand five hundred dol- n full for the payment of bounties and current ses at the Soldiers' Orphans' Home, for the 1875. Appropriation.

CTION 2. All sums for current expenses shall be n from the treasury not oftener than quarterly in ce. To be paid quarterly.

CTION 3. This act shall take effect and be in from and after its passage and publication.

proved February 25, 1875.

CHAPTER 69.

[*Published March 13, 1875.*]

CT to amend chapter one hundred and eleven (111), of the pri- and local laws for the year 1867, entitled an act to reduce the incorporating the city of Hudson, in the county of St. Croix, of Wisconsin, and the several acts amendatory thereto into act, and to amend the same.

people of the state of Wisconsin, represented Senate and Assembly, do enact as follows:

CTION 1. Sections three, five and six, of chapter , of chapter one hundred and eleven, of the private ocal laws of the year 1867, are hereby amended so read as follows: Section 3. The cost and ex- s of surveying streets, alleys, sidewalks and sewers, estimating work thereon, repairing and cleansing s and alleys, and of constructing and repairing voirs and sewers, shall be chargeable to and payable f the general fund of the city. Planking, grading, ling, macadamizing, or paving streets and alleys Amended.

Cost of expenses of surveying to be charged to city.

Other expenses to be charg- to property im- proved.

to the center thereof, shall be chargeable t
payable by, the lots fronting on such street or
within the line of improvement as far as the wo
tends; and the whole of the expense thereof s
assessed upon such lots in proportion to their
thereon. Sewers and drains communicating w
main sewers and drains, may be built by order
common council, through any street or alley
purpose of draining the lots in the blocks frontin
street or alley, and in such case the expense
may be assessed upon the lots so drained and be
in such blocks, and being within the line of in
ments: *provided*, that in all cases where improve
or work of any kind is chargeable by virtue
section upon lots benefitted, all such improv
across streets, alleys and public grounds shall b
and paid for out of the general fund of the
proportion to the width of the streets, or all
public grounds. Section 5. No grading or grave
streets or alleys to be done at the expense
fronting such improvements, and no sewer
expense of which is to be charged to the lots
or benefited, as before provided, shall be ordered
common council, except upon petition in writi
majority of the owners of the property residing
line of the proposed improvement, and chargeabl
with, unless by two-thirds vote of the common
and whenever the council shall thereon det
upon a public improvement under this sectio
shall pass a resolution to that effect, and shall
the street commissioner, with the assistance
city surveyor, to examine the premises and repor
timate of the whole expense thereof, and the lots
able with the expense, and the owner's name, if
and the proportion of the expense to be assessed
lot, and in case of grading or graveling a street
a proper grade, and the common council may
revise, correct or remand the same, with i
tions upon such report being adopted; an accur
vey and profile of such grade shall be prepared
city surveyor and filed in his office for record
common council may thereupon order the said
be placed under contract upon such terms and
such regulations as they may deem advisable.
6. Where any work provided for in the precedi
tion shall be completed and the contract perfor
the satisfaction of the street commissioner and t
surveyor, said street commisssioner shall give no
publication in the official newspaper of said ci
three weeks, that the expense thereof (in case of
or alleys) will be assessed upon the lots frontin

Expense of sewers and drains to be charged to lots.

Improvements across streets to be charged to city.

Accurate survey to be made.

Notice to be given.

or alleys within the line of such improvement
portion to their fronts thereon and in case of
chargeable to the lots as hereinbefore provid-
t the lots in the blocks fronting such improve-
drained, or benefitted thereby (which lots shall
gnated in the notice) will be assessed in proportion
r size or area. Any owner of such lot or lots
charged as aforesaid feeling himself aggrieved
h assessment may, before the expiration of the
ation of such notice, file a petition with the
commissioner, showing in case of streets and alleys
is lot or lots will not be benefitted to the extent
expense apportioned to such lot, and that such as-
nt in his case would be unequal and unjust; which
etition shall be sworn to, by the petitioner or
one having knowledge of the facts. The street
issioner shall thereupon require the chief of po-
summons three disinterested free-holders of said
nd non-residents of the ward wherein such im-
nent is located, as commissioners to attend at
convenient time and place, of which notice shall
en by publication in the official paper of said city,
st five days before the time appointed for such
issioners to meet. At the time of meeting, such
issioners shall be examined under oath touching
qualification to act, and in cases of disqualification
ence, the street commissioner shall require the
of police forthwith to summons others to supply
cancy. Said commissioners shall be sworn faith-
nd impartially to discharge the trust reposed in
and shall view and examine the premises in
on and shall have the power to hear the parties,
dminister oaths and examine witnesses. It shall
eir duty as early as practicable, and within ten
from the time they entered upon their duties, to
to the street commissioner their decision in writ-
ccompanied by any testimony, or proof, or the
nce thereof taken before them. And shall in
ase determine whether such assessment (in case
ding or graveling streets and alleys) would be
al and unjust, and whether, and how much, the
will exceed the benefit, and (in case of sewers),
er the lot or lots in question will be drained or
tted by the sewer, and thereupon what abatement
emption, if any, should be allowed. The street
issioner shall thereupon complete his assessment
ch improvement, making the necessary abatement
emptions, in accordance with the report of the
issioner, and the amount deducted for such abate-
shall be assessed upon the other lots, chargeable
the expense aforesaid in the manner before pre-

Appeal from assessment may be taken.

scribed. Such assessment, when completed, shall b returned to the common council, and the said commo council shall thereupon fix a time for the confirmatio thereof, of which notice shall be given in the offici paper of the city. Upon the confirmation there such assessment shall become a lien upon said premi es, and shall be levied and collected as other taxes a assessments.

Amended.

SECTION 2. Section two of chapter two of chapt 111 of the private and local laws of 1867, is herel amended by striking out of said section the wor "street commissioner," where they occur in the seco line thereof.

Amended.

SECTION 3. Section two of chapter two of chapt 111 of the private and local laws of 1867, is hereby fu ther amended by inserting after the word commission where it occurs in the 27th line of said section, t words "shall be elected by the common council of s city, and," so that that portion of said section, when amended, will read as follows: "The street comm sioner shall be elected by the common council of s city, and shall hold his office for one year, or until b successor is elected and qualified."

Election of street commissioner.

SECTION 4. This act shall take effect and be in fo from and after its passage.

Approved February 25, 1875.

CHAPTER 70.

[*Published March* 1, 1875.]

AN ACT to authorize Canute Anderson and J. M. Whaley to ma tain a dam on Wood river, in Burnett county.

The people of the state of Wisconsin, represent in Senate and Assembly, do enact as follows:

Authority to maintain dam.

SECTION 1. Canute Anderson and J. M. Whale their heirs and assigns, are hereby authorized maintain and keep up a dam across Wood river a point near the town of Grantsburg, in the coun of Burnett; *provided*, that said dam shall not rai the water to exceed twelve feet.

Suitable slides to be built and when to be kept open.

SECTION 2. The aforesaid persons, their heirs a assigns, shall build suitable slides in said dam f running logs, timber and lumber over the same, a keep the same in repair; the same shall be kept op

imes when the river is in a driving stage, and
are logs, timber or lumber to run over said
nd when it is not necesssary to hold the water
or the purpose of driving or flooding logs,
or lumber below said dam, for which purpose
ates shall be kept in repair and built in such
r as to be shut or opened, as the case may re-
to flood the said logs, lumber or timber.

ION 3. The aforesaid persons, their heirs and
s, shall enjoy the privilege granted in this act
term of fifteen years.

Term of privilege.

ION 4. When the aforesaid persons, their
r assigns, shall have completed the said dam
esaid, they are hereby authorized and empow-
o receive and collect from the owners of all
imber or lumber passing over such slides, or
by the aid of said dam, as a compensation for
g and maintaining such dam, the sum of ten
er thousand feet, board measure, the amount
ascertained by scale on the landings in the
and the aforesaid persons, their heirs and as-
shall have a lien upon all logs, timber or
passing over said dam, or driven by the aid
, until the charges aforesaid shall be fully
which lien may be enforced in the same manner
lien of laborers on logs; *provided*, that they
t all times comply with the provisions of this

Rates of toll.

ION 5. The control of said dam, the slides
tes of the same, shall belong to the aforesaid
s, their heirs and assigns, but subject always
provisions of section two of this act.

Control of dam.

ION 6. This act shall take effect and be in
rom and after its passage and publication.
roved February 25, 1875.

CHAPTER 71.

[*Published March* 6, 1875.]

AN ACT granting to Samuel D. Van Gordon and his associates right to establish and maintain a ferry across the Mississippi riv in the county of Buffalo, opposite the city of Winona, in the st of Minnesota.

The people of the state of Wisconsin, represented Senate and Assembly, do enact as follows:

Grant of right to keep ferry.

SECTION 1. That Samuel D. Van Gordon, his sociates, heirs, executors, administrators and assig shall have the exclusive right and privilege, for t period of ten years, of keeping and maintaining ferry across the waters of the Mississippi river a point in the county of Buffalo, in this state, oppos Center street, in the city of Winona, in the state Minnesota, or within two miles of said point and down said river; *provided*, that said ferry rig shall not interfere with or prevent any person or p sons from receiving or delivering any kind of freig at the elevator or depot of the Green Bay and Mi nesota Railroad Company; *and provided furth* that said ferry company shall not land their boats the docks or on the grounds of the Green Bay a Minnesota Railway Company without having fi obtained the consent of said company.

Restrictions.

Obligations of incorporator

SECTION 2. The said Samuel D. Van Gordon, associates or assigns, shall, within six months aft the passage of this act, place and maintain at t aforesaid place such good and sufficient boat boats as may be necessary to carry across said riv all teams, horses, cattle and other property, and passengers, and shall once every hour from eight o'clock A. M. to six (6) o'clock P. M. give ready a prompt attention to such passengers and teams, a carry them across the river at the rates hereinaft prescribed.

May land boats on public highways.

SECTION 3. That said Samuel D. Van Gordon, associates or assigns, may land their boats, passe gers and property on any public highway which no does or may hereafter terminate within the poi above specified, or on the lands of any person or pe sons, they having first procured the permission such owner or owners so to do.

Incorporator to file bond.

SECTION 4. The said Samuel D. Van Gordon, h

ates or assigns, shall, within six months after ssage of this act, file or cause to be filed with rk of the board of supervisors of the county of Buf- bond to the said board, with two or more sure- o be approved by the county judge of Buffalo y, in the penal sum of five thousand dollars 0) conditioned that he and they will fulfill all ties imposed upon [them] by this act, and the g place of said ferry during high water shall ve the railroad bridge on the Wisconsin side.

Penalty for neglect.

TION 5. That for every neglect to keep a good sufficient boat or boats, or failure to give t and due attendance upon all persons wishing ss said ferry, the aforesaid corporators shall a sum not exceeding ten dollars, to be recover- and for the use of said county, in a civil action be- y court having competent jurisdiction, and shall ther liable, in like action, for all damages any may sustain by reason of the neglect of the aid incorporators to fulfill any of the duties im- upon them by this act.

Rates of toll.

TION 6. The rates charged for crossing at said (high water not excepted), shall not exceed the ing rates: For each foot passenger, 20 cents; ch horse, mare or mule, with or without a 40 cents; for each team, loaded or unloaded, passengers or goods, 75 cents; for each single carriage, with or without passengers, 50 cents; ch additional horse, mare or mule, ox or cow, ts; for each swine or sheep, 5 cents; all freights merchandise or other articles, not in teams, at te of 20 cents per hundred weight, when the delivered by one person, shall not exceed two ed pounds, and for any excess over two hun- pounds, at the rate of ten cents per hundred t, and 50 cents per thousand feet for lumber.

Penalty for overcharge.

TION 7. If said corporator, his heirs or assigns, ferryman, or other person employed by him em, shall take, exact or receive any greater or rate of ferriage for transporting persons, goods, ttels, or other things whatsoever, than is allow- this act, the said corporation [corporator], his or assigns, shall be liable to the party aggriev- the sum of ten dollars for every such act, which be recovered before any justice of the peace of tate having by law jurisdiction over the same.

Penalty for infringement.

TION 8. If any other person or persons, shall, the establishment of said ferry as aforesaid, set

up, or keep or maintain any ferry, or shall carry o
transport any persons or any goods, wares, merchan
dise or chattels, for hire or pay across the Mississip
pi river, from any place on the east side or shore o
the waters of said river, within the points specified i
section one of this act, he or they shall for every suc
offense forfeit and pay the sum of ten dollars, to be r
covered by and for the use of said Samuel D. Van Go
den, his associates, heirs, executors, administrators an
assigns, in a civil action before any court having com
petent jurisdiction, and shall be further liable to sai
Van Gordon, his associates, heirs, executors, admin
istrators and assigns, and he or they may recover i
like action for the rates specified in section six o
this act for all such passengers or goods as may hav
been carried or transported by them or either of ther
contrary to the provisions of this act.

SECTION 9. This act shall take effect and be i
force from and after its passage. All acts and par
of acts contravening the provisions of this act a
hereby repealed.

Approved February 26, 1875.

CHAPTER 72.

[*Published March* 12, 1875.]

AN ACT to transfer the railroad aid heretofore voted by the town
Potosi, county of Grant.

*The people of the state of Wisconsin, represented i
Senate and Assembly, do enact as follows:*

Election legalized.

SECTION 1. The election held by the electors
the town of Potosi, in the county of Grant, in th
state, on or about the 20th day of October, A. D. 187
and all proceedings of the town board of supervisor
of the said town in ordering, giving the notices o
conducting and canvassing the votes of the said ele
tion, and all other proceedings of the said board r
lating thereto, at which election the sum of for
thousand dollars was voted by a majority of the leg
voters of the said town to aid in the construction
the Dubuque, Milwaukee and Platteville railroa
company through the said town, are hereby legaliz

declared valid and binding upon the said town, informality relating therto to the contrary notstanding, and the time for carrying out the aid oted, is hereby extended for the period of time of years beyond the time provided by the said elec- and the proceedings relating thereto.

ECTION 2. The board of supervisors of the said n of Potosi, and their successors in office, togethith two commissioners, who shall be elected at time of the annual town meeting, or at an elec- called for that purpose, shall constitute a board ailroad commissioners for said town, which said d of commissioners shall be the custodians of said l of $40,000, voted by the said town of Potosi, at the meeting on the 20th of October, 1871, and are by authorized and empowered to apply the aid so d in the construction of any other line of oad through or into the said town, and to con- t therefor with any other railroad company or oration, whereby the interests of the said town ecure railroad facilities may be promoted; *provid-* hat the said board of commissioners shall not said aid to any railroad company or corporation er any other provisions than that embodied in order under which said election was called and aid voted, which said order is now upon record e clerk's office of the town of Potosi, except as rwise provided in this act; and all acts of the railroad commissioners, to be valid, shall receive affirmative of a majority of the members, to be red of record by yeas and noes, and the town k of the said town for the time being shall be k of the said board of commissioners, and shall a full and complete record of all its proceedings ch shall be at all times open to the inspection of voters and tax-payers of the said town.

Town board of railroad commissioners.

Custodians of certain money.

Restrictions.

ECTION 3. Any obligations, either by contract or ificate, expressed or implied, under which the town of Potosi may have been placed, or to ch they may be held by the Dubuque, Platte- & Milwaukee Railroad Company, are hereby ared absolved.

Obligations absolved.

ECTION 4. This act shall take effect from and af- ts passage.

pproved February 26, 1875.

CHAPTER 73.

[*Published March* 3, 1875.]

AN ACT to appropriate to the La Fayette County Agricultural Society, a sum of money herein named.

The people of the state of Wisconsin, represented in Senate and Assembly, do enact as follows:

Appproprition.

SECTION 1. There is hereby appropriated, out of the general fund, to the La Fayette County Agricultural Society, the sum of one hundred dollars, for the year 1873, on proper evidence being furnished to the Secretary of State that they have complied with the law in such cases, with the exception of filing their report in due time.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved February 26, 1875.

CHAPTER 74.

[*Published March* 4, 1874.]

AN ACT to amend chapter 244, of the laws of 1874, entitled "An act to declare a certain highway in Door and Kewaukee counties state road."

The people of the state of Wisconsin, represented in Senate and Assembly, do enact as follows:

Amended.

Highways declared to be state roads.

SECTION 1. Section 1, of chapter 244, of the laws of 1874, is hereby amended to read when amended as follows; "Section 1. The highway beginning on the Green Bay and Sturgeon Bay state road, situated on lot No. 1, section 7, in town 25, range 23 east, in the town of Red River, and running thence easterly through said town to near the center of section 1 and thence northerly to the county line road between the counties of Door and Kewaunee, and thence east along said county line to a point where the county line road intersects the river road, and thence along said river road to the village of Ahnapee also the highway beginning at the half-way house on

reen Bay and Sturgeon Bay state road, situated e north-west of the north-east quarter of section own 26, range 23, running thence easterly to the ty line road, is hereby declared to be a state

CTION 2. Section 2, of said chapter, is hereby nded so as to read as follows: "Section 2. The al town boards of the towns of Red River and oln, in Kewaunee county, and the towns of Brus- and Union, in Door county, are hereby authorized required to levy and collect a highway tax of five on the dollar on all the taxable property in their al towns, and the village board of trustees of village of Ahnapee, in Kewaunee county, is here- thorized and required to levy and collect a high- tax of five mills on the dollar on all the taxable erty in said village for the purpose of opening working said state road until the same shall be pleted and opened for travel, which tax shall be in ion to the highway taxes now authorized to be d.

Amended.

Town boards to levy tax to meet expense of opening roads.

CTION 3. Section 5 of said chapter is hereby nded so as to read as follows: "Section 5. Joseph ens, Joseph de Baker, Clement Geniesse, A. Fran- and John Fox, are hereby appointed such commis- rs, and it is hereby made the duty of the treasurers e several towns and villages named, to pay over highway taxes so collected and all taxes heretofore cted for the purpose of opening said state road. e said commissioners, upon the order of said nissioners.

Amended.

Commissioners.

CTION 4. This act shall take effect and be in from and after its passage and publication.

proved February 26, 1875.

CHAPTER 75.

[*Published March* 3, 1875

AN ACT to relieve the county of Clark from th payment of state illegally assessed upon lands not liable to taxation.

The people of the state of Wisconsin, represented Senate and Assembly, do enact as follows:

State treasurer to settle certain claims.

SECTION 1. That the state treasurer is hereby thorized to adjust and settle with the county treas er of the county of Clark, any and all claims wh the said county of Clark has against the state for st taxes, (so called), illegally assessed in the years 1864 and 1865, upon any and all lands in said cou not then liable to taxation, belonging to the "Fox Wisconsin River Improvement Company;" *prov ed*, that said treasurer shall not make any such set ment until the attorney general shall have certified the state treasurer that in his opinion the lands afo said were not legally taxable for said years.

Clark county to be credited with amount found due.

SECTION 2. That in case any sum is found due said county of Clark upon such settlement, the st treasurer is hereby authorized to credit the said co ty of Clark, in the account with said county, w such sum, and the said county is hereby relieved fr the payment of the same.

SECTION 3. This act shall take effect and be force from and after its passage.

Approved February 26, 1875.

CHAPTER 76.

[*Published March* 3, 1875

AN ACT to amend section one (1), of chapter one hundred and ty-four (144), general laws of 1873, entitled, "An act fixing time when brook-trout may be caught from any of the water Ashland, Bayfield and Douglas counties."

The people of the state of Wisconsin, represented Senate and Assembly, do enact as follows;

Amended.

SECTION 1. Section one (1), of chapter one hund and forty-four (144), is hereby amended by strik

e word "March" in the fourth line of said sec-
and inserting the word "February," so that the
n as amended will read as follows: "Section 1.
-trout may be caught, as now provided by law,
of the waters in Ashland, Bayfield and Doug-
unties between the first day of February and the
th day of September, following, in each year."
ts and parts of acts, so far as they conflict with
w, are hereby repealed.

Time when brook trout may be caught.

TION 2. This act shall take effect and be in
from and after its passage and publication.
proved February 26, 1875.

CHAPTER 77.

[*Published March* 3, 1875.]

T to amend chapter 96 of the revised statutes, entitled "Of owers of the circuit court over the estate of infants, insane per- and habitual drunkards."

people of the state of Wisconsin, represented Senate and Assembly, do enact as follows:

TION 1. Proceedings for the conveyance of any
state by an infant, or for the sale of the real es-
f any infant in any of the cases provided in chap-
inety-six (96) of the revised statutes, may be
enced in vacation or during a term of the cir-
ourt, and the circuit judge may make any order
ch proceedings at chambers or in vacation, which
ourt would be authorized to make. And any
so made by the circuit judge in any such pro-
ng which shall hereafter be commenced in any
t court, shall have the same force and effect as
same had been made by the court.

Proceeding for conveyance of real estate by infants.

May be commenced in vacation.

TION 2. This act shall take effect and be in
from and after its passage and publication.
proved February 26, 1875.

CHAPTER 78.

[*Published March* 3, 1875.]

AN ACT to amend chapter five hundred (500), local laws of 1868, entitled, "An act to consolidate and amend an act to incorporate the city of Madison, and the several acts amendatory thereof."

The people of the state of Wisconsin, represented in Senate and Assembly, do enact as follows:

Amended.

SECTION 1. Section six (6), of chapter three (3), of said act is hereby amended so as to read as follows: Section 6. The chief of police shall perform such duties as shall be prescribed by ordinance for the preservation of the public peace and the collection of fines and license moneys. He shall possess all the powers of a constable at common law or by the laws of this state, and receive like fees; but shall not receive any fees for serving any process, making any arrest or performing any duties from the city of Madison, except his per diem hereinbefore provided. The said policemen of each ward shall be under the control and direction of the mayor and chief of police, and shall have all the powers and perform all the duties of constable under the laws of the state of Wisconsin.

Chief of police.

Policemen to be under control of mayor.

SECTION 2. This act shall be in force and take effect from and after its passage and publication.

Approved February 26, 1875.

CHAPTER 79.

[*Published March* 3, 1875.]

AN ACT relating to statistics for use of state and county boards of assessments.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

County clerk to send messenger for returns overdue.

SECTION 1. Whenever any town, village or city clerk shall fail in any year to return to the county clerk, within the time fixed by law, the statement required by section two of chapter one hundred and

06) of the general laws of 1869, it shall be the of the county clerk of the county to send a mes- r to such town, village or city so delinquent, to re the statement required by said act; said mes- r shall be entitled to a compensation of $3.00 ay, and to a traveling fee of 10 cents per mile e distance necessarily traveled in the discharge ch duty; and such compensation shall be paid the county treasury, and the chairman and clerk issue an order for the amount, and said amount be charged to the town, village or city so delin-, and shall be certified to the clerk of such village or city, by the county clerk, as a special y tax to be raised therein, at the time of making nnual apportionment of taxes in November of year.

Expense to be charged back to town.

TION 2. Whenever the county clerk of any y shall fail to discharge the duty required by n three, of chapter one hundred and six (106), e general laws of 1869, before the second Mon- n October in any year, it shall be the duty of ecretary of state to dispatch a messenger to such y to procure the statistics required by such sec- and such messenger shall be entitled to a com- tion of $3.00 per day for such services and a ling fee of ten cents per mile for actual travel in ischarge of such duties; and such compensation be made by drawing a warrant by the secretary te on the state treasury for the amount, and ecretary shall certify such amount to the county of the county so delinquent, at the time of cer- g to the state tax necessary to be raised in such y; and said amount shall be a special state tax st such county, and shall be collected and be re- d in the same manner that other state taxes are ted and paid into the state treasury.

Secretary of state to send messenger for returns.

Expense to be charged back to county.

TION 3. This act shall take effect and be in from and after its passage and publication.

proved February 26, 1875.

CHAPTER 80.

[*Published March* 3, 187

AN ACT for the preservation of duck and other wild fowl in county of Green Lake.

The people of the state of Wisconsin, represente Senate and Assembly, do enact as follows:

Unlawful to use blind or bough house.

SECTION 1. It shall not be lawful for any pe to place, construct or erect or use for the purpos hunting or shooting duck, or other wild fowl, stationary cover, blind or bough-house in or u any of the lakes, rivers or other waters of Green I county, in this state; nor shall it be lawful for person to use for the purpose of hunting or shoo duck or other wild fowl, any movable cover, blind bough-house over eighteen inches in height, i upon any of the said lakes, rivers or other wate said county of Green Lake. And any person vi ing either of the provisions of this act, shall be p ished by a fine of not less than ten dollars nor n than fifty dollars for each and every offense; and justices of the peace of said county shall severally h jurisdiction over all offenses under this act.

Penalty for violation.

SECTION 2. This act shall take effect and be in f from and after its passage.

Approved February 26, 1875.

CHAPTER 81.

AN ACT to amend chapter two hundred and forty-nine (249), o private and local laws of 1870, entitled, "An act to incorporat Silver Glance Mining Company.

The people of the state of Wisconsin, represente Senate and Assembly, do enact as follows:

Amended.

SECTION 1. Section two (2), of [chapter] two h dred and forty-nine (249), of the private and l laws of 1870, is hereby amended so as to read as lows:

Capital stock.

SECTION 2. The capital stock of said corpora shall not be less than one million dollars ($1,000,

ore than two million dollars ($2,000,000), di-
into shares of one hundred dollars each, and
s named in the first section of this act, or a
ity of them, shall be commissioners to procure
iptions to the capital stock of said company,
r that purpose shall open books at such times
aces as they may deem proper, and whenever
ount of two hundred thousand dollars ($200,000)
h capital stock shall have been subscribed for,
id commissioners shall call a meeting of said
ibers or stockholders at their principal office,
all deliver to them the said books of subscrip-
nd at such meeting the said subscribers or stock-
s shall proceed to elect a board of five directors
hall be stockholders, a majority of whom shall
zens and residents of this state, who shall hold
respective offices till their successors shall be
d.

Board of directors.

TION 2. Chapter two hundred and forty-nine
of the private and local laws of 1870, is hereby
led by adding thereto the following section:

Amended.

TION 3. The board of directors, or a majority
m, shall have power to fill all vacancies that
ccur among their number, also to elect a presi-
secretary and treasurer, and such other officers
ents as may be useful or necessary to the suc-
l prosecution of their business, and shall also
power to fix their compensation. The affairs of
orporation shall be managed by such directors,
hall be chosen by ballot by the stockholders
son or by proxy duly authorized; and in all
ons and in the decision of questions acted
any meeting of the stockholders each share
ck shall be entitled to one vote, and the
ity of the votes cast shall govern. The direct-
the company, or a majority of them, shall also
full power to require adequate security from all
ficers and agents for the faithful performance of
respective duties, and may remove them or
e their power at pleasure.

Powers of board of directors.

TION 4. This act shall take effect and be in force
and after its passage.

proved February 26, 1875.

CHAPTER 82.

[*Published*, *March* 3, 187

AN ACT to amend section twenty-one (21), of chapter seven (7 the private and local laws of 1858, entitled, "An act to incorp the city of Ripon."

The people of the State of Wisconsin, represente Senate and Assembly, do enact as follows:

Amended.

SECTION 1. Section twenty-one (21), of cha seven (7), of said act, is hereby amended so as to as follows: All lands lying within the city li actually used for farming purposes, and not laid into lots and blocks, shall be assessed at a mode cash value by the acre, and shall be subject to t tion in the same manner as other lands in lots blocks in said city.

Assessments.

SECTION 2. This act is hereby declared a pu act, and shall take effect from and after its pas and publication.

Approved February 27, 1875.

CHAPTER 83.

[*Published March* 2, 187

AN ACT to amend chapter seventy-two (72), of the private and laws of 1870, entitled, "An act to enable the city of Waterto settle its railroad debts," approved February 17, 1870.

The people of the state of Wisconsin, represented in ate and Assembly, do enact as follows:

Amended.

SECTION 1. Section nine (9), of chapter seventy (72), of the private and local laws of 1870, enti "An act to enable the city of Watertown to settl railroad debts," approved February 17, 1870, is by amended by adding to section nine (9) at the of said section the following words: And if at time the annual tax to meet and pay the prin and interest of the said new bonds as fast as the will fall due, shall not be, or shall not have been ied, or shall not be or shall not have been place

When tax shall not have been levied to pay bonds.

ax-lists, pursuant and according to the provis-
of said act to which this act is amendatory, the
rer of said city shall promptly ascertain the
nt of all such principal and interest of said new
as will fall due and become payable before the
of the collection of the next ensuing annual tax
d city; and thereupon he shall first reserve out
moneys which may come or may have come to
nds for general city taxes, a sum of money suf-
t for the full payment thereof, and he shall
after promptly pay the same at the maturity
of, and in case of his failure to make such pay-
pursuant and according to said chapter seven-
o (72) as hereby amended, he and his sureties
be liable in actions on his official bond as such
rer to the holder and all holders of any bond
upons or written contract for the payment of
principal and interest of said new bonds,
he full amount that may or shall become
due and payable thereon; *provided*, that
any time there shall be an insufficient
nt of money in the general fund of said
o pay the installments of principal and interest
d new bonds as the same become due, then said
rer shall take a sufficient amount to pay the
in full from any money except state, county
chool taxes, which shall or may be in his hands
stody, as such treasurer, and pay the same,
sum, so taken, he shall restore from said gen-
und to the fund from which it may be taken as
thereafter as possible. And it is further enacted,
f the amount necessary to pay said installments
incipal and interest as they become due, shall
t any time, be properly placed in the annual
oll and lists of said city, to be collected pursu-
nd according to the provisions of said chapter
ty-two (72), then in that case all the coupons for
aid installments which may or will become due
payable before the time for the collection of the
ensuing annual tax, shall be receivable and shall
eceived in advance of their maturity by the
rer of said city in payment of all taxes he may
quired to collect as such treasurer, except state,
ty and school taxes. And if the clerk or treas-
of said city shall wilfully refuse or neglect to
rm any act or duty required of, or enjoined upon
in and by said chapter seventy-two (72), as here-
mended, he shall be deemed guilty of misde

When there is not sufficient money in general fund to pay interest and principal of bonds.

When necessary amount has not been placed in tax roll.

Penalty for neglect of duty.

meanor, and upon conviction thereof he shall be fined, in the discretion of the court, in a sum not exceeding one thousand dollars and costs of prosecution, and stand committed until such fine and costs are paid. The tax to pay said new bonds and coupons, if not placed in the annual tax roll, may be levied and collected separately at any time during the year by said clerk and treasurer, in the same manner as the annual taxes are levied and collected.

SECTION 2. This act shall take effect and be force from and after its passage and publication.

Approved February 27, 1875.

CHAPTER 84.

[*Published March* 4, 1875.]

AN ACT to amend chapter 148, of the laws of 1873, entitled an act to incorporate the city of Boscobel.

The people of the state of Wisconsin, represented in Senate and Assembly, do enact as follows:

Amended.

SECTION 1. Section four, chapter one, of chapter one hundred and forty-eight, of the laws of 1873, is hereby amended by striking out of said section the words "one assessor," and by adding to said section, at the end thereof, the following words: "In the manner hereinafter provided. The assessor of the town of Boscobel shall be ex-officio assessor of the city of Boscobel and shall assess all the real and personal property in the city of Boscobel in the manner hereinafter provided." So that section four, as amended, shall read as follows: "Section 4. The officers of said city shall consist of one mayor, four aldermen, one clerk, one treasurer, two justices of the peace, one constable, who shall be ex-officio marshal of said city, and such other officers as the mayor, by and with the consent of the aldermen, shall ordain. Said officers shall be elected by the qualified voters of the said city except as hereinafter provided, on the third Monday in April in each year, and shall hold their respective offices for one year, and until their successors are elected and qualified, except the said justices of the peace, who shall be elected every two years,

Officers of city.

Election of same.

shall hold their said office for the term of two s. One of said aldermen shall be elected from ward named in section three of this act, in the ner hereinafter provided. The assessor of the of Boscobel shall be ex-officio assessor of the of Boscobel, and shall assess all the real and per- l property in the city of Boscobel, in the manner nafter provided."

CTION 2. Section six, of chapter one, of said ter one hundred and forty-eight, is hereby nded by adding thereto the following proviso: *vided*, that at all general and special elections under the provisions of this act for the election ty officers, or to fill any vacancy caused by the n, removal or resignation of any alderman, the qualified voters only of the ward shall vote for election of an alderman for such ward; and at all general and special elections the vote for alder- shall be on a separate ballot or piece of paper, hich shall be written or printed the number of ward and the name of the person voted for as al- an of such ward. And to enable the inspectors ection of any such general or special election to out the provisions of this section, it is further ided that the ballot-box used at any such general ecial election shall be provided with four sepa- compartments, with numbers thereon corres- ing to the numbers of the respective wards of ity, and with an opening in the lid of such box im- ately over each of such compartments, sufficient mit a single closed ballot, and with a partition een each compartment, and the inspector of ion in charge of such ballot-box shall deposit vote for alderman in the compartment corres- ing to the number of the ward in which the offering the same shall reside, which said votes be counted in the same manner as the votes for elective officers of the city, and be subject to ules governing general elections; and the per- eceiving the highest number of votes for alder- of a ward, shall be declared elected as such. So said section as amended shall read as follows: on 6. At all elections held under this act, the shall be opened at one o'clock in the afternoon, hall continue open until five o'clock in the af- on of the same day; and the election shall be by t, conducted in the same manner, as far as may elections for members of Assembly, and a plu-

Qualifications of voters.

Manner of conducting elections.

rality of votes shall in all cases decide the election; *provided*, that at all general and special elections held under the provisions of this act for the elections of city officers, or to fill any vacancy caused by the death, removal or resignation of any alderman the qualified voters only of the ward, shall vote for the election of an alderman for such ward; and at all such general and special elections the vote for alderman shall be on a separate ballot or piece of paper, on which shall be written or printed the number of the ward and the name of the person voted for as alderman of such ward, and to enable the inspectors of election of any such general or special election to carry out the provisions of this section; *it is further provided*, that the ballot-box used at any such general or special election shall be provided with four separate apartments, with numbers thereon corresponding to the numbers of the respective wards in the city, and with an opening in the lid of such ballot-box, immediately over each of such compartments sufficient to admit a single closed ballot, and with a partition between each compartment, and the inspector of election in charge of such ballot-box shall deposit each vote for alderman in the compartment corresponding to the number of the ward in which the voter offering the same shall reside, which said votes shall be counted in the same manner as the votes for other elective offices of the city, and shall be subject to the rules governing general elections, and the person receiving the highest number of votes for alderman of a ward shall be declared elected as such. Section 40, of chapter 1, of said chapter 148, is hereby amended by striking out of said section the words, "last Monday in August in each year," and inserting in the place thereof the words, "second Monday of July in each year, at the hour of eight o'clock in the afternoon; and the said meeting shall have and possess all the powers of annual school meetings under general laws," so that said section as amended, shall read as follows: Section 40. The annual meeting of the school district, in the said city of Boscobel, shall be held on the second Monday of July in each year, at the hour of eight o'clock in the afternoon, and the town of Boscobel, not included within the limits of said city, shall be attached to the city school district, for school purposes, and be subject to like school taxes, and be subject to the laws of joint school districts, and the said meeting shall have and possess all the powers of annual school meet-

Vote for aldermen to be on separate ballot.

Construction of ballot-box.

Amended.

Time of annual meeting.

s under general laws. Section 41, of chapter one, of d chapter 148, is hereby amended by striking out the same all the words therein occuring after the rds "every year," in the fourth line thereof, so that d section as amended shall read as follows: Sec- n 41. The common council shall have power to y a highway way tax, or tax for streets and bridg- of not exceeding seven mills on the dollar in each l every year.

Amended.

SECTION 3. Chapter two, of said chapter 148, is reby amended by striking out of section four, of d chapter two, all the words occuring after and in- ding the words "the assessor elect," and substitu- g in the place thereof the words following: "the essor hereinbefore provided for shall assess and er upon the assessment-roll of the town of Bosco- all the real and personal property within the boun- es of the said city liable to taxation, according to provisions of law in relation to the assessment of h property, but shall enter the same upon such essment-roll, separate and distinct from the assess- nt of the real and personal property of the town, l shall foot up upon such assessment-roll the totals valuation of real and personal property within the y separate from those of said town; and for the t and expenses of making such assessment, the y shall not be liable to such assessor, but shall be ble to and shall pay to the town of Boscobel for h services, on or before the 10th day of January each year, an amount in proportion to the whole t of making the assessment of city and town, which d amount shall be determined by the joint board review herein provided for, and for the purpose of recting and equalizing said assessment it is here- provided that the chairman of the town board of pervisors of the town of Boscobel, the town clerk said town, and the said assessor, together with the yor and city clerk, shall constitute a joint board review, a majority of whom shall constitute a quo- m, and shall meet for such purpose annually on last Monday of June in each year, at the city hall town clerk's office, whereof due notice shall be giv- and said board may adjourn from time to time occasion may require, and shall conduct their oceedings in accordance with, and be governed by, provisions of law in relation to town boards of iew. The common council shall on or ore the first Monday of June in each year,

Duty and compensation of assessor.

Board of review.

furnish to said assessor a duplicate assessment roll, wherein the said assessor shall transcribe from the town assessment roll so much thereof as shall contain the assessment of all the real and personal property within the city, together with the name or names of the party or parties, if known, to whom the same may be assessed by him, and in the order as the same appears upon said town assessment roll, and shall certify the same under oath, to be a true copy of the assessment of all property, real and personal, in the city of Boscobel, as assessed by him in that year, as corrected by the board of review, and as the same appears upon the assessment roll of the town of Boscobel, which said duplicate assessment roll so certified to, shall have the same force and effect, and shall be evidence in all courts and places, as to the matters therein stated, as the said town assessment roll; and for such services the said assessor shall be entitled to such reasonable compensation from the city as the mayor and common council shall by resolution determine. And by striking out of section 5, of said chapter two, the words, "On the first and second Mondays of July," and inserting in lieu thereof the words, "On the third Monday of June in each year," and by further inserting [in] said section, between the word "such" and the words "time and times," the word "other." And by inserting in section six, of said chapter two, immediately before the words "assessment roll," the word "duplicate," and by further striking out of said section six, all the words therein occurring after and including the words "common council." And by striking out of section seven, of said chapter two, the words "revised and corrected the same shall be," and the further words "for school purposes," and to insert therein in lieu of the word "August" the word "November," and by adding to said section at the end thereof the words, "and whenever any special tax shall be levied by the mayor and common council, pursuant to law, for the payment of any city indebtedness not hereinbefore mentioned, the assessment of property contained in the duplicate assessment roll last filed with the city clerk, shall be taken as the basis upon which to levy the same," and by striking out all of section 9, of said chapter two, and substituting therefor the words following: Section 9. The duplicate assessment roll herein provided for shall not be required to be transmitted to the clerk

Assessment roll.

Amended.

Amended.

:he board of supervisors of Grant county, nor any
y thereof. And by striking out of section ten, of
l chapter two, all the words therein occurring af-
the words "the board of supervisors," and substi-
ng therefor the words following: "Of Grant coun-
in all their transactions for the purpose of repre-
tation upon the said board, and for the sale of lands
lots in the city for returned delinquent city
es, shall regard the city of Boscobel as a town."
d by striking out of section 11, of said chapter
, all the words therein occurring after the words
e said board of supervisors," and substituting
refor the words "shall not be required to appor-
any state, county or school taxes to the city, sep-
te from the town of Boscobel." And by striking
of section twelve, of said chapter two, all the
rds therein occurring after the words "upon re-
ving the," down to and including the words "city or
er purposes," and substituting therefor the words
e amount of taxes determined by the common
ncil, for general city or bridge purposes, or the
ount of any special tax authorized by law, the city
rk shall make out upon the said duplicate assess-
nt roll, in a column or columns appropriately
ded for that purpose, a complete statement of the
or several taxes levied for general city or bridge
poses, and a statement of any special tax levied,
the purpose for which the same was levied, and
date when such special tax was levied," and by
ing to said section immediately after the words
st annual tax-list," the words "together with
unpaid taxes returded by the street commission-
' and by striking out of section sixteen, of said
pter two, all the words therein occurring after
words "taxes have not been paid," down to and
luding the words "required of town treasurers."
d by striking out of section nineteen, of said chap-
two. the words, "except in section nine, of this
pter," so that chapter two, as amended, shall read
ollows:

Amended.

CHAPTER II.

EXCUSIVE CONTROL OF FUNDS.

City funds.

SECTION 1. All funds in the city treasury, exclu-
ely belonging to the city, shall be under the con-
l of the common council, and shall be drawn out

upon the order of the mayor, countersigned by t clerk, duly authorized by a vote of the comm council, and in no other manner, and all orde drawn upon the treasurer shall specify the purpo for which they are drawn, and shall be payable ge erally out of any funds in the treasury belonging the city except as hereinafter provided; and all su orders shall be received in payment of any debt demand due to, or tax or assessment levied by a thority of the city, except taxes levied for scho purposes.

HOW CITY DEBT TO BE AUTHORIZED.

City debt.

SECTION 2. No debt shall be contracted agai the city, nor ordered drawn upon the city treasu unless the same shall be authorized by a majority the common council, and the vote authorizing t same shall be entered by ayes and noes upon t journal of the council, and no money shall be appr priated for any purpose whatever, except such as expressly authorized by this act.

PENALTIES AND LICENSES TO BE PAID INTO THE CI TREASURY.

Penalties and licenses.

SECTION 3. All forfeitures and penalities accrui to the city for any violation of this act, or any of t ordinances, by-laws, rules and regulations of the ci and all moneys received for licenses shall be paid i to the city treasury and become part of the gene fund, except as otherwise provided by this act. I penalty or judgment recovered in favor of the ci shall be remitted or discharged except by a vote two-thirds of all the aldermen elect.

SUBJECT TO ANNUAL TAXATION.

Property subject to taxation.

SECTION 4. All property, real or personal, with the city, except such as may be exempt by the la of the state, shall be subject to annual taxation f the support of the city government and the payme of its debts and liabilities, and the same shall be a sessed in the manner hereinafter provided. The a sessor, hereinbefore provided for, shall assess a enter upon the assessment roll of the town of Boscob all the real and personal property within the bound ries of the city liable to taxation, according to t

sions of law in relation to the assessment of such erty, but shall enter the same upon such sment roll, separate and distinct from the sment of the real and personal property of the , and shall foot up upon such assessment roll the of valuation of real and personal property n the city, separate from those of said town; and e cost and expenses of making such assessment, ity shall not be liable to such assessor, but shall ble to and shall pay to the town of Boscobel for services, on or before the tenth day of January ch year, an amount in proportion to the whole of making the assessment of city and town, which amount shall be determined by the joint board view herein provided for; and for the purpose of cting and equalizing such assessment, it is here- ovided that the chairman of the town board of visors of the town of Bocobel, the town clerk d town, and the said assessor, together with the r and city clerk, shall constitute a joint of review, a majority of whom shall consti- quorum, and shall meet for such purpose annu- on the last Monday of June, in each year, at the hall or town clerk's office, whereof due notice be given. Said joint board may adjourn from to time as occasion may require, and shall con- their proceedings in accordance with, and be ned by, the provisions of law in relation to town s of review. The common council shall, on or e the first Monday of June in each year, furnish d assessor a duplicate assessment roll, wherein id assessor shall transcribe from the town assess- roll so much thereof as shall contain the assess- of all real and personal property within the together with the name or names of the party or es , if know, to whom the same may be assessed, he value or the same as assessed by him, and in rder as the same appears upon said town assess- roll, and shall certify the same under oath to be copy of the assessment of all property, real and nal, in the city of Boscobel, as assessed by him at year, as corrected by the board of review, and same appears upon the assessment roll of the of Boscobel, which said duplicate assessment o certified to, shall have the same force and ef- and shall be evidence in all courts and places as matters therein stated, as the said town assess- roll; and for such services the said assessor shall

How assessment to be made.

Joint board of review.

Duplicate assessment roll.

To be evidence in courts.

be entitled to such reasonable compensation from the city as the mayor and common council shall, by resolution determine.

OBJECTION TO ASSESSMENT.

Alterations and revisions of assessments.

SECTION 5. On the third Monday of June in each year, and at such other time and times as he may appoint, the assessor shall meet at the common council chamber for the purpose of hearing any objections of parties deeming themselves aggrieved by such assessment, and after hearing the same the assessor shall make such alteration or revision as justice or equity may require.

RETURN OF ASSESSMENT ROLL.

Return of assessment roll.

SECTION 6. On or before the last day in July in each year, the assessor shall return his duplicate assessment roll to the common council, by depositing the same with the city clerk.

FILING OF ASSESSMENT ROLL AND LEVY OF TAXES.

Levy of taxes.

SECTION 7. When the duplicate assessment roll shall have been filed with the city clerk, an order approving the same shall be entered in the proceedings of the common council, on the first Monday in November in each year, or within ten days thereafter. The common council shall determine the amount of taxes to be levied for general city purposes, and also the amount of tax necessary to be levied for streets and bridges, and shall by resolution levy the same; but no such resolution shall be adopted except by a vote of two-thirds of the members elect, which shall appear in the proceedings of the common council and whenever any special tax shall be levied by the mayor and common council, pursuant to law, for the payment of any city indebtedness not hereinbefore mentioned, the assessment of property contained in the duplicate assessment roll last filed with the city clerk, shall be taken as the basis upon which to levy the same.

ASSESSMENT TO BE A LIEN ON PROPERTY.

Assessments to be lien on property.

SECTION 8. All assessments, general or special, levied under this act, shall be and remain a lien upon the lands and tenements upon which they may be as-

d, from the date of the warrant for the collection
of, until such taxes shall be paid; and no sale or
fer of such real property shall effect [affect] such
Any personal property belonging to the person
l, may be taken and sold for the payment of taxes
personal property.

SESSMENT NOT TO BE SENT TO THE COUNTY CLERK.

CTION 9. The duplicate assessment roll herein
ided for shall not be required to be transmitted
e clerk of the board of supervisors of Grant
ty, nor any copy thereof.

CITY TO BE REGARDED AS A TOWN.

CTION 10. The board of supervisors of Grant
ty, in all their transactions, for the purpose of
sentation upon the said board, and for the sale
nds and lots in the city, for returned delinquent
taxes, shall regard the city of Boscobel as a
.

LEVY OF COUNTY AND STATE TAX.

CTION 11. The said board of supervisors shall
be required to apportion any state, county or
l taxes to the city separately from the town of
obel.

Levy of county and state tax.

CITY CLERK TO MAKE OUT ASSESSMENT ROLL.

CTION 12. Upon receiving the amount of taxes
mined by the common council for general city
idge purposes, or the amount of any special tax
orized by law, the city clerk shall make out upon
duplicate assessment roll in a column or col-
s appropriately headed for that purpose, a com-
statement of the tax or several taxes levied for
ral city, or bridge purposes, and a statement of
special tax levied, and the purpose of which
ame was levied, and the date when such special
was levied, and all delinquent taxes, if any, of
ous years, and all special taxes levied by the
non council since the making out of the last an-
tax list, together with all unpaid taxes returned
e street commissioner in such separate columns
ay be necessary, with the total footing carried

Clerk to make assessment roll.

out opposite each tract or lot of land or per
named therein; which statement shall be called
tax list of the city of Boscobel, and shall be
served by said clerk as a record in his office,
shall have the same legal force and effect as the
ords of the common council.

TAX LIST PRIMA FACIE EVIDENCE.

Tax list to be evidence.

SECTION 13. The tax list made out and prese
as aforesaid, shall be *prima facie* evidence in e
court of record of this state, that any act or t
required by law to be done, relating to assesso
levying taxes, from the election of the officers to
completion of the tax list inclusive, has been reg
correct, and as required by law.

CLERK TO MAKE DUPLICATE COPY OF TAX LIST.

Duplicate copy of tax list.

SECTION 14. Immediately after making out
tax aforesaid, the clerk shall make out a dupli
copy thereof, to which shall be appended a war
signed by the mayor and clerk, and sealed with
corporate seal of said city, directed to the treas
requiring and commanding him to collect the t
and assessments specified in said duplicate copy of
tax list in the manner provided by law; and the
clerk shall, on or before the twenty-fifth day of
cember of the said year, or as soon thereafter as p
ticable, deliver the same to the city treasurer for
lection, and make a record of said delivery of the
list preserved in his office.

TREASURER TO COLLECT TAX.

Collection of taxes.

SECTION 15. The city treasurer, upon the rec
of such duplicate copy of the tax list, shall pro
to collect the same in like manner, and shall
like powers and be subject to like requirements,
bilities and restrictions as town treasurers, excep
otherwise provided in this act. The city treas
shall receive one per centum fees upon all taxes
to him before the first day of January, and three
centum fees upon all taxes collected after that t
to be added to the amount of taxes, and collected
the same, which shall be in full for all services
formed by said treasurer under this act or the o
nance of the city.

TREASURER TO MAKE RETURN TO THE COUNTY TREASURER.

CTION 16. At the time provided by law for town urers to make their returns to county treasurers ch year, the said treasurer shall make out and n to the treasurer of Grant county, a list of and lots upon which the taxes have not been The said treasurer shall also, by the same time, out and deliver to the city clerk a list of all de- ent personal property taxes, and poll taxes for ame year. The county treasurer shall add the interest, penalties or fees to such delinquent ns as allowed or required by law upon delinquent ns from the several towns. Delinquent return to county treasurer.

SALE OF DELINQUENT LANDS.

CTION 17. The county treasurer shall sell all quent lands and lots returned from the city of bel, at the same time and in the same manner as delinquent lands are sold in said county. Sale of delinquent lands.

ALL PROPERTY LIABLE TO SPECIAL TAXATION.

CTION 18. All real estate exempt from taxation e laws of this state, shall be subject to all special for the building of sidewalks and improvement e streets in front of the same. Special taxation.

ROVISIONS TO BE REGARDED AS ONLY DIRECTORY.

CTION 19. All the directions hereby given for ssessing of lands and the levying, collection and n of taxes and assessments, shall be deemed only tory; and no error or informality in the pro- ngs of any of the officers entrusted with the , not affecting the substantial justice of the tax , shall vitiate or in any wise affect the validity e tax or assesment. Provisions only directory.

CTION 20. All the provisions of said chapter laws of 1873, conflicting with the provisions of act are hereby repealed. Repealed.

CTION 21. This act shall take effect and be in from and after its passage and publication.

pproved February 27, 1875.

CHAPTER 85.

[*Published March* 3, 1874

AN ACT to prevent the ensnaring or trapping of deer.

The people of the state of Wisconsin represented Senate and Assembly, do enact as follows:

Unlawful to ensnare or trap deer.

SECTION 1. It shall be unlawful for any person persons to ensnare or trap, by any means or dev whatever, any deer, buck, doe or fawn, in this st and every person or persons, who shall violate provisions of this act, shall, upon conviction ther be subject to a penalty of not less than ten, nor m than twenty-five dollars for each and every offense

Justices to have Jurisdiction.

SECTION 2. Justices of the peace shall have ju diction to try and determine all cases arising un this act; *provided*, that the defendant shall not deprived of a jury trial, nor of his right of appea in other cases.

SECTION 3. This act shall take effect and be force from and after its passage and publication.

Approved February 27, 1875.

CHAPTER 86.

[*Published March* 3, 1875

AN ACT requiring notice to be given in cases where accidents o on account of insufficiency or want of repair on highways.

The people of the state of Wisconsin, represen in Senate and Assembly, do enact as follows:

No action to be maintained for damages unless notice shall have been given.

SECTION 1. No action shall hereafter be had maintained in any court in this state against town, for injuries received or damages sustained, ter the passage and publication of this act, throu the insufficiency or want of repair of any highw or bridge, unless notice shall have first been giv in writing, to one or more of the town board of pervisors of the town in which the highway or brid is situated, by the person injured or claiming da age, within sixty days of the time of the occurren

ıch injury or damage, stating the place where injury or damage occurred, describing the in-ciency or want of repair which occasioned such ry or damage, and that he or she, so injured or aged, will claim satisfaction of such town.

CTION 2. This act shall take effect and be in from and after its passage and publication.

pproved February 27, 1875.

CHAPTER 87.

[*Published March* 4, 1875.]

ACT to provide for laying out streets in the village of West Depere, Brown county.

people of the State of Wisconsin, represented Senate and Assembly, do enact as follows:

CTION 1. Whenever any person or persons shall after lay out and plat any addition to the village Vest Depere, in Brown county, the streets there-all be laid out in a direct line and of equal width the streets adjoining said addition.

Width and direction of streets.

CTION 2. Whenever the board of trustees of said ge, shall deem it necessary to take certain lands in said village for public use, in accordance with ter two hundred and seventy-eight (278), of the ral laws of 1873, the damages assessed by the appointed in accordance with the provisions of chapter, shall in no case exceed in amount the e of an equal amount of land adjoining the said so used for public use, as determined by the last ssment-roll.

Limits of damages to be allowed for lands taken.

CTION 3. All acts, or parts of acts conflicting sections one (1) and two (2) of this act are here-epealed.

Repealed.

CTION 4. This act shall take effect and be in force and after its passage and publication.

pproved February 27, 1875.

CHAPTER 88.

[*Published March* 4, 1875.]

AN ACT to repeal chapter 194, of general laws of 1873, entitled, "An act to amend chapter 72, of the private and local laws of 1858, entitled, "An act to incorporate the city of Ripon, and all acts amendatory thereof.' ".

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Repealed.

SECTION 1. Chapter one hundred and ninety-four (194), of the laws of 1873, is hereby repealed.

SECTION 2. This act shall take effect from and after its passage and publication.

Approved February 27, 1875.

CHAPTER 89.

[*Published March* 4, 1875.]

AN ACT to authorize the Common Council of the city of Milwaukee to levy a special tax on all the taxable property in the 4th ward of the city of Miiwaukee, for ward purposes.

The people of the state of Wisconsin, represented in Senate and Assembly, do enact as follows:

Levy of Special tax authorized.

SECTION 1. The common council of the city of Milwaukee shall, at the time of levying other city taxes for the year 1875, in addition to the amount now authorized to be raised by law for ward purposes in the fourth ward of said city, levy a tax of three mills on the dollar upon all taxable property, real and personal, in said ward. Said tax shall be collected at the same time and in the same manner as other city taxes are collected.

How to be applied,

SECTION 2. Said special tax, when collected, shall be used, applied and appropriated for the purpose of grading, paving, and the improvement of the street and alley intersections with Spring street, lying west of Third street, and if any surplus tax shall be collected, and not required for this purpose, the excess so collected, shall be put into the general ward fund, and may be used and applied as other ward funds are

applied and appropriated for ward purposes in
vard.

CTION 3. This act shall take effect and be in
from and after its passage and publication.

proved February 27, 1875.

CHAPTER 90.

[*Published March* 10, 1875.]

CT to authorize the doing of certain public works on Spring street, in the Fourth Ward of the city of Milwaukee.

eople of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

CTION 1. The board of public works of the city ilwaukee is hereby authorized and empowered use Spring street, from the east side of Fourth t to Twenty-fifth street, in the Fourth ward, and idewalks thereof to be graded to the established , and the sidewalks to be planked or paved, e now planked or paved of less width than feet, and to cause the roadway thereof, between present stone gutters, to be either paved with en blocks, on such suitable foundation as may eemed necessary by said board, or they may damize the said street. Should the board of ic works deem it to the advantage of the ward may use the "Thilmany" process for preserving e used in the said street; or instead of using , the board of public works may macadamize any portion of the said street to the depth of n inches in the center, and to the depth of nine es at the gutters, then to cover the entire surface three inches of clean small gravel to be taken the present road material; if said board shall damize said street they shall finish the surface olling the same with a roller of at least six tons eight. The said work shall be advertised to be ithin fifty-five days after the passage of this act, shall be let within sixty-five days after the pas- of this act; *provided, however*, that said board give notice to owners to do the work provided n this act, in the same manner as for doing other

Board of public works authorized to make improvements on Spring street.

Work to be let to lowest bidder.

public works in said city. The work provided f
be done under this act, shall be let by contract t
lowest bidder giving satisfactory security to
board in a sum of not less than thirty-five thou
dollars for the completion of the work from F
street to Twenty-fifth street, by November 30, 1
The work done and chargeable to the adjoining p
erty, shall be assessed to the lots, parts of lot
parcels of lands. Such contract, when entered
shall require the contractor to receive as pay
for so much of the work as has been assessed ag
the lots, parts of lots and parcels of lands oppos
the front of which improvements have been m
certificates for the cost against the lots respecti
and the residue of such contract shall be paid o
the proceeds of the ward funds, for the year
and no petition of lot owners shall be require
the doing of any of the work contemplated o
vided for in any of the sections of this act.

Repair of gutters.

SECTION 2. It shall be the duty of the said
of public works to repair the stone gutters o
street where necessary, and to fill the interstices
of the said gutters with gravel or broken stone
grout them with tar and roofing cement, so as to
a smooth, finished surface. All the gutter re
street and alley crossings, shall be chargeable t
said Fourth ward fund.

Sidewalks to be sodded and trees to be set out.

SECTION 3. The board of public works shall
the sidewalks, when not covered with plank o
ing, to be properly sodded to a uniform grade, b
July first, 1875. They shall cause either el
hard-maple trees to be set out as often as every
ty feet on both sides of said street west of E
street, before the 25th day of May, 1875, w
owners have not set them out by the 25th d
April, 1875. Said board shall see that said
trees are properly protected to insure life, and
replace any tree in the same manner, that ma
be living any time within three years from May
1875. Where lots are not enclosed from the s
the board of public works shall cause temp
fences to be put up on the line of sidewalks
both sides of said street. They shall also ca
be done the mowing of all grass or weeds on
sides of said street, where not done by owners,
times in each year, during the first week of ea
the months of June, July, August and Septe
and charge the expense thereof to said lots or

ots, and issue certificates against said lots in the e manner as for other similar work done in said d.

ECTION 4. The board of public works shall see the necessary sewers and catch-basins are first and constructed in that portion of such street to aved or macadamized, and for the purposes of this they shall have all the powers conferred, and shall overned by, section seventeen, of chapter eight, n act to revise, consolidate and amend the charter he city of Milwaukee, approved February 20th, 2, and the several acts amendatory thereof, ap- ved March 10th, 1874, the same as if the common ncil had ordered the work, or by resolution had uired the board of public works to execute the k contemplated by this act.

Sewers and catch-basins to be constructed.

ECTION 5. The board of public works are hereby horized to contract the sprinkling of said street n the first day of April, to the fifteenth day of vember in each year, and charge the cost thereof ollows: As much as shall be done in front of lots l be charged to such lots, parts of lots, and parcels and; and so much as shall be done on street and y shall be charged to the Fourth ward fund; and board shall issue certificates against said lots, s of lots, and parcels of land, the same as for oth- imilar work done in said ward.

Board of public works to contract for sprinkling street.

ections thirteen and fourteen of chapter seven, of act referred to in section four of this act, in re- on to certificates, shall apply to all certificates to ssued under this act, and shall have the same e aud validity. Such certificates shall be liens n the lots, or parcels of land against which the e shall respectively be chargeable from and after time when such certificates shall be countersigned registered by the city comptroller. Such certifi- shall draw interest at the rate of twenty-five per t. per annum upon the amounts named in the e from the time when such lots or lands shall be by the city treasurer as required by law, for and ccount of such certificate liens.

Certificates to be liens upon lots.

ECTION 6. This act shall take effect and be in e from and after its passage.

pproved February 27, 1875.

CHAPTER 91.

AN ACT to authorize the construction of a dam across the Milwaukee River, in Milwaukee county.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Authority to maintain dam.

SECTION 1. Charles Herman, his associates, successors, heirs and assigns, are hereby authorized to erect and maintain a dam across the Milwaukee River, in the county of Milwaukee, on lot number six, (6,) in section number eighteen, (18,) in township number eight, (8,) of range number twenty-two (22) east; and to erect and maintain mills, machinery and necessary appendages to enable him to use the water of said river for hydraulic purposes; *provided*, that said dam shall not be erected more than eight feet above high water mark.

Subject to chap. 56 R. S.

SECTION 2. The dam so erected shall be subject to all provisions of chapter fifty-six, (56,) of the Revised Statutes, and its amendments, so far as the same may be applicable thereto, in like manner as if such provisions were incorporated in this act.

SECTION 3. This act shall take effect and be in force from and after its passage.

Approved February 27, 1875.

CHAPTER 92.

AN ACT to appropriate money to the Outagamie County Agricultural Society.

The people of the state of Wisconsin, represented in Senate and Assembly, do enact as follows:

Appropriation.

SECTION 1. There is hereby appropriated out any money in the general fund not otherwise appropriated, the sum of one hundred dollars ($100) for the benefit of the Outagamie County Agricultural Society, for the year 1873.

SECTION 2. This act shall take effect and be in force from and after its passage.

Approved February 27, 1875.

CHAPTER 93.

[*Published March* 3, 1875.]

CT to appropriate to the Industrial School for Boys a sum of money therein named, for permanent improvements.

people of the state of Wisconsin, represented in Senate and Assembly, do enact as follows:

CTION 1. There is hereby appropriated to the istrial School for Boys, located at Waukesha, out ny money in the general fund not otherwise apriated, the sum of fourteen thousand dollars, for ollowing named purposes: For the erection of a ly building similar to those now in use, the sum welve thousand five hundred dollars. For the erection of a carriage and horse barn, the sum of thousand dollars. For the purpose of altering improving building used for bakery and boys' en, the sum of five hundred dollars. Appropriation.

CTION 2. This act shall take effect and be in from and after its passage and publication.

pproved February 27, 1875.

CHAPTER 94.

[*Published March* 4, 1875.]

CT to appropriate a sum of money therein named to the Insti- for the Education of the Deaf and Dumb, for current expen-

people of the state of Wisconsin, represented in Senate and Assembly, do enact as follows:

CTION 1. There is hereby appropriated, out of money in the general fund not otherwise appro- ed, the sum of thirty-four thousand five hun- dollars, for the payment of current expenses at Institute for the Education of the Deaf and Dumb he year 1875. Appropriation.

CTION 2. All sums of money for current ex- es provided for in this act shall be drawn from treasury not oftener than quarterly in advance. To be drawn quarterly.

SECTION 3. This act shall take effect and be in force from and after its passage and publication, and shall be printed in the volume of the general laws of 1875.

Approved March 1, 1875.

CHAPTER 95.

[*Published March* 4, 1875.]

AN ACT to appropriate a sum of money to the Northern Hospital for the Insane, for the purposes therein specified.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Appropriation.

SECTION 1. There is hereby appropriated to the Northern Hospital for the Insane, out of any money in the state treasury not otherwise appropriated, the sum of thirty-two thousand nine hundred and fifty dollars, for the following specified purposes: For the purpose of furnishing south wing, eighteen thousand seven hundred and fifty dollars; furniture for north wing, three thousand dollars; farm and garden improvements, three thousand dollars; apparatus for laboratory, two thousand dollars; machinery for carpenter and machine shop, one thousand and two hundred dollars; deficiency in 1873, five thousand dollars; *provided*, that all furniture for said south wing and east wing shall be purchased from the directors of the state prison, unless the said directors shall certify that they are unable to manufacture at the state prison a part of such furniture, in which case the part which cannot be manufactured at the state prison may be purchased elsewhere.

SECTION 2. This act take effect and be in force from and after its passage and publication, and shall be printed in the volume of general laws for the year 1875.

Approved March 1, 1875.

CHAPTER 96.

[*Published March* 3, 1875.]

AN ACT to amend section 39, of chapter 151, of the general laws of 1869, entitled, "an act to codify the laws relating to normal schools and to amend chapter 94, of the general laws of 1859, and chapter 116, of the general laws of 1866."

The people of the state of Wisconsin, represented in Senate and Assembly, do enact as follows:

Amended.

SECTION 1. Section 39, of chapter 151, of the general laws of 1869, entitled, "An act to codify the laws relating to normal schools, and to amend chapter 94, of the general laws of 1859, and chapter 116, of the general laws of 1866," is hereby amended so as to read as follows: Section 39. Any person holding a diploma granted by the said board of regents of normal schools, certifying that the person holding the same is a graduate of a state normal school, and that he is qualified to teach a common school, shall, after the same has been countersigned by the superintendent of public instruction, as provided in section thirty-eight of this act, be deemed qualified, and such diploma shall be a certificate of qualification to teach in any common school of this state, and as such shall have the full force and effect of a first grade certificate until annulled by the superintendent of public instruction. And any person holding a certificate granted by the said board of regents, certifying that the person holding the same has completed the elementary course in a normal school, and that he is qualified to teach a common school, shall, after the same has been countersigned by the superintendent of public instruction, as provided in section 38 of this act for countersigning diplomas granted by the said board of regents to persons graduating from a normal school, be deemed qualified, and such certificate thus countersigned, shall be a certificate of qualification to teach in any common school of this state, and as such shall have full force and effect of a five years' state certificate.

Person holding certificate granted by board of regents deemed qualified to teach.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 1, 1875.

CHAPTER 97.

[*Published March* 4, 1875.]

AN ACT to amend section 46, of the Wisconsin School Code, ar
relating to common schools.

The people of the state of Wisconsin, represented i
Senate and Assembly, do enact as follows:

Amended.

SECTION 1. Section 46, of the Wisconsin Scho
Code, is hereby amended by adding to the end of sai
section as follows: But any meeting of the distri
board held within the limits of the school district sha
be considered legally constituted to do business, pr
vided all the members are present, and do each, the
and there, consent to call it a meeting of the distri
board; and provided further, that the board, at ar
such meeting not previously called, shall not ha
power to purchase school apparatus, or to transa
such other business as is provided for in sections 47, 5
and 53, of said code; and it shall be the duty of th
district clerk to record the transactions of such mee
ings, said record to be signed by the district cle
and the other members of the district board.

Business may be done at any meeting of district board.

SECTION 2. This act shall take effect from and a
ter its passage and publication.

Approved March 1, 1875.

CHAPTER 98.

[*Published March* 3, 1875.]

AN ACT to amend section 35, of chapter 243, of the laws of 187
entitled, "An act relating to public printing."

The people of the state of Wisconsin, represented i
Senate and Assembly, do enact as follows:

Amended.

SECTION 1. Section 35, of chapter 243, of the lav
of 1874, is hereby amended by adding to said sectio
the following proviso: *Provided*, That said work
printing, stereotyping, and binding can be done i
this state as well and at as low a price as elsewher

SECTION 2. This act shall take effect and be i

from and after its passage and publication.
pproved March 1, 1875.

CHAPTER 99.

[*Published March* 6, 1875.]

ACT to amend chapter 59, of the private and local laws of the r 1868, entitled, "an act to incorporate the city of Fond du Lac, to repeal chapter 124, of the private and local laws of 1867, en- d, 'an act to consolidate and amend the act to incorporate the of Fond du Lac, and the several acts amendatory thereof, and to nd an act to consolidate the several school districts of the city Fond du Lac, and the several acts amendatory thereof.'"

people of the state of Wisconsin, represented in Senate and Assembly, do enact as follows:

CTION 1. Section one, of chapter five, of said ter 59, is hereby amended by adding thereto the wing: And shall have the control and super- n of the police of said city, and is hereby author- to appoint special policemen whenever the y and good order of the city shall in his judg- require the same upon special or unusual ions.

Ch. 59, P. & L. laws 1868—amended.

CTION 2. Subdivision or paragraph eighteen, of on five, of chapter six of said chapter fifty-nine, reby amended by adding thereto the following, And the common council of said city are here- thorized and empowered to declare by resolution street of said city a nuisance, and to close or shut he same whenever in its judgment any such t of the city shall be in an unsafe condition for ary travel and use, and so far out of repair as to er travel dangerous thereon or over the same.

Amended.

CTION 3. Section three, of chapter twelve, of said ter fifty-nine, is hereby amended so as to read as ws: Section (3) three. If such petition shall esent that it is necessary to take private property ublic use, against the consent of the owner there- d such petition be granted by the common coun- he city clerk shall thereupon cause notice to be to the owner or occupant of such lands proposed taken, describing the lands and premises pro- to be taken, by publication in the official pa- f the city for at least two successive weeks, at

Amended—city clerk to cause notice to be given.

least once in each week. Such notice shall state that on a day certain, and at a certain hour and place, therein to be named, not less than ten days from the expiration of such notice, as the case may be, application will be made to the judge of the county court of the county of Fond du Lac, or in case such county judge shall be interested in any such lands or premises proposed to be taken, or of kin to any person interested therein, then, to the judge of the fourth judicial circuit of this state, for the selection and appointment of twelve jurors to view said lands and premises, and to decide and determine whether it is, or will be necessary or expedient to take the same for the uses and purposes specified in said petition, and also to view and examine the lands and premises mentioned in said petition, and ascertain, determine and appraise the costs, expenses and damages to be paid by [to] the owner or owners of the property proposed to be taken, and also what property, lands or premises, if any, will be benefitted by such taking; and to assess and return specifically, as to each piece, parcel or tract of land or premises, the amount of such damages and benefits so determined and assessed. It shall be the duty of the city attorney to appear for and in behalf of said city at the time and place specified in said notice, and any person or corporation interested in the lands and property proposed to be taken may appear either in person, or by attorney. No freeholder shall be disqualified from serving as one of said jurors by reason of his being a resident or tax-payer of and in said city; but the right of challenge shall be allowed, as in civil cases under the laws of this state in other respects.

Appointment of jurors.

Amended—duty of jury to decide whether necessary to take lands.

SECTION 4. Section six, of chapter twelve, of said chapter fifty-nine, is hereby amended so as to read as follows: Section six. It shall be the duty of said jury to decide, determine and ascertain whether or not it is necessary to take the lands and premises proposed to be taken, and whether it will be necessary to take private property for public use against the consent of the owner thereof, and return and report their decision and determination to the common council of said city, before any other proceedings are had or done under said petition or notice by said jury or said council, and if both of said questions shall be determined by said jury in the affirmative, then said jury shall next determine, ascertain and report within ten days after the filing and approving of their

rt aforesaid by said council, the value of the lot
ts so to be taken, and award to the owner or own-
hereof such damages and benefits as shall be just,
such report, last aforesaid, shall be final and con-
ve as to the matters and things therein contained.

Amended.

CTION 5. Chapter twelve of said chapter fifty-
, of said private and local laws of the year A. D.
, and chapter five hundred and one (501), of the
ate and local laws for the year A. D. 1871, is
by so amended as to strike out the word "com-
ioners" wherever it occurs in either or both of
last aforesaid chapters, and insert in place and
l thereof the word "jury."

Amended.

CTION 6. Section two, of chapter nine, of chap-
fifty-nine aforesaid, is hereby so amended as to
ide as follows, viz: by adding at the end thereof,
t the street commissioners are hereby authorized
xpend, at their discretion, a sum not exceeding
dollars upon and for the repair of any bridge or
ert in said city, without any order or direction
e common council of said city."

Execution shall issue upon judgment.

CTION 7. No execution shall issue upon any
ment hereafter rendered or obtained against the
of Fond du Lac, without leave of the court in
h said judgment was entered or rendered, upon
ecial application therefor.

Justice of the peace to be elected.

CTION 8. There shall be elected in each and ev-
ward (*in said*) of said city, one justice of the
e who shall have the same jurisdiction in both
and criminal actions, as is now conferred upon
ces of the peace under the laws of this state. They
be elected at the same time and in the same man-
as justices of the peace are elected under the
of this state.

Amended.

CTION 9. Chapter seventeen, of said chapter fifty-
, is hereby amended, by adding another section
eto to stand as section ten, and shall read as fol-
: Section 10. No claim or demand for services,
ssaries, medical treatment or medicines shall be
ved or paid by said common council or the treas-
of said city, unless the person or physician ren-
g such services or furnishing such necessaries
have been previously appointed by the board of
h of said city in writing and such appointment
have been previously approved in writing by
nayor of said city.

CTION 10. This act shall be held and construed

as a public act, and shall take effect and be in for from and after its passage.

Approved March 1, 1875.

CHAPTER 100.

[*Published March* 3, 1875.

AN ACT to repeal chapter 133, laws of 1869, entitled "an act fix the compensation of members of the board of supervisors of F du Lac county, in the state of Wisconsin."

The people of the state of Wisconsin, represented Senate and Assembly, do enact as follows:

Ch. 133, laws of 1869—repealed.

SECTION 1. Chapter 133, laws of 1869, entit "an act to fix the compensation of members of t board of supervisors of Fond du Lac county, in t state of Wisconsin," is hereby repealed.

SECTION 2. This act shall take effect and be force from and after its passage.

Approved March 1, 1875.

CHAPTER 101.

[*Published March* 4, 1875.

AN ACT to provide for the rebuilding of a portion of the Institu for the Education of the Blind, and to appropriate a sum of mo therein named for that purpose.

The people of the state of Wisconsin, represented Senate and Assembly, do enact as follows:

Duties of trustees of Wisconsin Institution for the Education of Blind.

SECTION 1. The trustees of the Wisconsin Ins tution for the Education of the Blind are hereby auth ized and empowered to erect on the site of the bui ing destroyed by fire, a building corresponding to t west wing of the building destroyed. Also, to er near said building an engine-house for the engine a apparatus for heating said building, and for that p pose said board of trustees are hereby authorized make and enter into such contracts and agreements

may find necessary; *provided, however*, that said
racts and agreements shall not involve the expend-
of a greater sum of money than is appropri-
by this act.

CTION 2. The said board of trustees shall, before
ng any such contracts or agreements, advertise
roposals for furnishing material and the erection
aid building in at least three daily newspapers
ished in this state, one at the city of Janesville,
at the city of Madison, and one at the city of
vaukee. Such advertisement shall state the
and place of receiving such proposals and the
unt and kind of bond required for the faithful
ormance of the contract within the time limited
for. Said board shall have the right to reject all
osals received by them, if in their opinion the
ests of the state require it, and to make such
racts and agreements with any person or persons
ey may deem necessary for furnishing material
the erection of such building, requiring good
sufficient bond or bonds for the faithful perform-
of such constract or agreements.

Board of trustees to advertise for proposals.

CTION 3. There is hereby appropriated out of any
eys in the state treasury not otherwise appropri-
the sum of fifty-six thousand dollars for the
ion of said building above mentioned, and the
of five thousand dollars for the erection of said
ne-house, and the purchase of boilers and heating-
ratus.

Appropriated.

CTION 4. This act shall take effect and be in force
and after its passage and publication.

pproved March 1, 1875.

CHAPTER 102.

[*Published March* 4, 1875.]

CT making an appropriation to the Northern Wisconsin Agricultural and Mechanical Association.

people of the state of Wisconsin, represented in Senate and Assembly, do enact as follows:

CTION 1. There is hereby appropriated out of any
eys in the general fund of the state treasury, not

Appropriated.

otherwise appropriated, to the Northern Wisconsin Agricultural and Mechanical Association, the sum of one thousand dollars to aid in promoting the objects of said association.

SECTION 2. This act shall take effect from and after its passage and publication.

Approved March 2, 1875.

CHAPTER 103.

AN ACT to appropriate a certain sum of money therein named to James Quirk.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Appropriated.

SECTION 1. There is hereby appropriated to James Quirk, out of any money now in the state treasury not otherwise appropriated, the sum of seventy-eight (78) dollars, with interest from July 6, 1874, that being the balance due for superintending the construction of sidewalks and gutters around the Capitol Park, from April 24 to June 22, 1874, done in pursuance of an appointment by Governor Taylor.

SECTION 2. This act shall take effect and be in force from and after its passage.

Approved March 2, 1875.

CHAPTER 104.

[*Published March* 4, 1875.]

AN ACT to appropriate money for the erection of signals, and to aid in the determination of secondary points in Wisconsin by the "Geodetic-connection division of the United States Coast Survey."

The people of the state of Wisconsin, represented in Senate and Assembly, do enact as follows:

Geodetic-connection division U. S. Coast Survey—appropriation.

SECTION 1. In order that the Geodetic-connection division of the United States survey, now engaged in the measurement of primary triangles across the United States, to connect the surveys already made

the Atlantic and Pacific coasts, and who, dur-
ast summer, have marked out, by careful recon-
nce, a system of triangles extending along the
onsin River from Prairie du Chien to Grand
ds, and thence to La Crosse, may, while work-
within the limits of Wisconsin, be enabled to de-
ine the greatest number of points visible from
rimary stations, and following also, in this re-
, the examples of other states through which
survey has already passed, there is hereby ap-
riated out of any money in the state treasury
otherwise appropriated, the sum of (800) eight
red dollars to aid in paying cost of erecting
ls upon and determining the position of such
ts.

Statement of expenses to be filed with Secretary of State.

CTION 2. Upon there being filed with the Sec-
y of State, by the chief of party appointed by
uperintendent of the United States Coast Sur-
to do the work in the state of Wisconsin, sworn
ments of the expenses actually and necessarily
red, and of the number of signals erected and
ons occupied under this act, which statement
bear the indorsement of the Superintendent of
Coast Survey at Washington, D. C., that such
has been done in a satisfactory manner, the
etary of State is hereby authorized and required
aw his warrant upon the state treasury for the
nt of expenses so incurred; *provided*, they do
xceed the above named sum of (800) eight hun-
dollars.

CTION 3. This act shall take effect and be in full
from and after its passage.

pproved March 2, 1875.

CHAPTER 105.

[*Published March 4, 1875.*]

AN ACT to amend chapter three hundred and thirteen (313), of t private and local laws of 1869, entitled "An act to authorize the of moneys arising from the sale of certain swamp and overflow lands in the county of Portage, for drainage purposes, and to ame chapter five hundred and thirty-seven (537), of the laws of 19 relating thereto."

The people of the State of Wisconsin, represented Senate and Assembly, do enact as follows:

Amended.

SECTION 1. All moneys now under the control the commissioners appointed by said chapter thr hundred and thirteen (313), and all moneys whi are by them receivable from any source arising fro the sales of swamp lands shall be paid into the han of the county treasurer of said county, in trust f said towns in which the lands sold are situated; a any property held by said commissioners, purchas from moneys arising from such sales, shall be s by the treasurer of said commissioners and the pr ceeds paid over to said county treasurer in trust f said towns, and out of such moneys the said coun treasurer shall pay, on the warrant of said board commissioners, all indebtedness heretofore incurr by said commissioners for drainage of said lands, a in case such moneys are not sufficient to pay such i debtedness, then the said county treasurer shall p the same out of any moneys derived from the futu sales of swamp lands in said towns, described in sa chapter three hundred and thirteen (313).

Moneys to be paid to county treasurer in trust for towns.

Towns to have control of swamp lands.

SECTION 2. The several towns in the county Portage, shall have the same control of the swan lands situated therein and the funds arising from t sale thereof, as is by general law provided for the di tribution of swamp-land funds, among the seve towns in this state.

Repealed.

SECTION 3. So much of chapter three hundred a thirteen (313), of the private and local laws of 186 as conflicts with the provisions of this act is herel repealed.

SECTION 4. This act shall take effect and be force from and after its passage and publication.

Approved March 2, 1875.

CHAPTER 106.

[*Published March* 4, 1875.]

CT to amend chapter one hundred and eighty-two, laws of , entitled, "An act providing for an increase of highway-tax in ounty of Richland."

eople of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

TION 1. Section one, of chapter one hundred ighty-two (182), of the laws of 1860, is hereby ded by striking out the word "county," where urs, and insert in lieu thereof the word coun- nd by inserting after the word "Richland," the "and Shawano," so that it shall read as fol- The electors of the several towns in the coun- of Richland and Shawano may, at the annual meetings, held in their respective towns, order n additional tax, not exceeding ten mills on the valuation, to be raised for the improvements of vays and bridges therein, and such tax so or- , shall be assessed, collected and disbursed in ame manner as other highway taxes in said .

Sec. 1, ch. 182, laws 1860—amended.

Additional tax.

TION 2. This act shall take effect and be in from and after its passage.

proved March 2, 1875.

CHAPTER 107.

[*Published March* 6, 1875.]

T to amend section one (1), of chapter two hundred and twen- 20), of the general laws of 1874, amendatory of section ten , of chapter one hundred and sixty-seven (167), of the general of 1864, entitled, "an act regulating the fees of the lumber- ector of lumber-district number two."

eople of the state of Wisconsin, represented in Senate and Assembly, do enact as follows:

TION 1. The lumber-inspector of lumber-district er two, shall be entitled to receive, and may sue d collect, the sum of three and one-half cents

Lumber-Inspector to make out survey-bills, &c.

per thousand feet for surveying or scaling and m
ing out survey-bills for all logs that he is called u
to scale, including scale-bills.

Exempt.

SECTION 2. Lumber-district number two is her
exempt from the provisions of section one (1)
chapter two hundred and twenty (220), of the ge
ral laws of 1874. Also of section ten (10), of cha
one hundred and sixty-seven (167), of the gen
laws of 1864, so far as they relate to the fees of l
ber-inspectors.

SECTION 3. This act shall take effect and be in
force from and after its passage.

Approved March 2, 1875.

CHAPTER 108.

[*Published March* 9, 187

AN ACT to amend chapter seventy-four, of the Revised Sta
entitled, of Free Masons, Odd Fellows and other similar societ

*The people of the state of Wisconsin, represente
Senate and Assembly, do enact as follows:*

Amended.

SECTION 1. Section 3, of chapter 74, of the Rev
Statutes, is hereby amended so as to read as foll
Section 3. Such trustees may, also, in the nam
such lodge, division or society, and in strict confo
ity with the rules and regulations of the grand lo
division or society, from which they may derive t
charters, sue and be sued in all courts and places.
they may recover and hold all the debts, dema
rights and privileges, all buildings, burying pl
and all the estate [and] appurtenances belongin
such lodge, division or society, in whatsoever n
ner the same may have been acquired, or in wh
hands soever the same may be held, as fully and
ply as if the right and title thereto had been ori
ally vested in the said trustees, and they may
other real or personal estate, and devise, lease and
prove the same, and being authorized by a vote
majority of all the members of a lodge, divisio
other society in regular standing, may grant, barg
sell and convey the same in fee simple, and such t
tees shall also have power to erect buildings for

Trustees may hold real or personal property.

of their lodge, division or society, and improve keep the same in repair.

ECTION 2. Section 4, of said chapter 74, is hereby nded so as to read as follows: Section 4. As as may be after the passage of this act, such e, division, or society, may elect trustees, one- l of whom, as near as may be, shall hold office for term of one year from the next annual election of lodge, division, or society, succeeding the pas- of this act, one-third for the term of two years said annual election, and one-third for the term hree years from the said annual election, and eafter, at each annual election they shall elect third of such trustees, as near as may be, to hold e for the term of three years; but a trustee may emoved at any time for cause by such lodge, di- on, or society, under their rules, regulations and ges; and such trustees may fill any vacancy in r number occasioned by death, resignation, with- val, removal, or in any other manner; such trus- may adopt such rules and regulations, and elect officers as may be necessary to transact and y on the business relating to the property of such ge, division, or society, and they may by their s and regulations authorize and empower one or e of their officers to sign and execute all convey- es, deeds, leases, contracts and agreements entered by the said trustees, and affix the seal of such tees thereto; such lodge, division, or society, l, by their rules, fix the time and place of meet- of such trustees; a majority of the trustees may any time call a meeting of such trustees and g convened in accordance with the rules and reg- ions which may be established by such lodge, sion, or society, shall be competent to do and per- all matters and things which such trustees are horized to do and perform. A majority of such tees shall constitute a quorum, and no business l be transacted without a quorum.

Amended.

Election of trustees.

Trustees to execute conveyances &c.

ECTION 3. Said chapter 74, as herein amended, is eby re-enacted.

Re-enacted.

ECTION 4. This act shall take effect and be in e from and after its passage and publication.

Approved March 2, 1875.

CHAPTER 109.

[*Published March* 11, 1875.]

AN ACT to amend chapter two hundred and seventy-eight (278) laws of 1874, entitled "An act to incorporate the city of Shawano

The people of the state of Wisconsin, represented i Senate and Assembly, do enact as follows:

Amended.

SECTION 1. Section nine (9), of subdivision fo (4), of chapter two hundred and seventy-eight (278 laws 1874, is hereby amended by striking out th word "no," where it occurs before the word "jury and inserting in place thereof the word "a," and l striking out the word "court," where it first occurs said section, and insert in place thereof the wo "same," so that said section nine (9), when so amen ed shall read: Section 9. In city prosecutions a ju shall be allowed either party, and the findings of t same shall be guilty or not guilty. If guilty, t court shall render judgment thereon, against the d fendant for the fine, penalty or forfeiture prescrib in this act or in the ordinance, by-law or regulati for the violation of which the person or persons sh have been adjudged guilty, and for cost of suit; b if not guilty the cost of suit shall be taxed again the city. Upon rendition of judgment against t defendant, and the non-payment thereof, the justi shall forthwith issue execution, as in case of tort, in ca the action was commenced by summons, as a commi ment in case it was commenced by warrant, and sha in either case, determine and enter upon his dock the length of time the defendant shall be imprisone which in no case shall exceed six months; and al insert such time in the execution or commitmen Such execution shall be in the following form:

Upon rendition of judgment, justice shall issue execution.

Form of execution.

County of Shawano, City of Shawano:

The state of Wisconsin to the sheriff or any co stable of said county, and to the keeper of the co mon jail of said county. greeting:

Whereas, the said city of Shawano, on the — day of ——, 18—, recovered a judgment before t undersigned, one of the justices of the peace in a for the said city, against ——— ———, for the sum —— dollars and—— cents, costs of suit, for the vi

on of (section ——, of chapter ——, of this act, or ion ——, of an ordinance or by-law or regulation aid [city,] describing it by its title), you are hereby nanded to levy distress of the goods and chattels aid ——— ———, excepting such as the law ex- ots, and make sale thereof according to law, to the ount of said sum, together with your fees, and nty-five cents for this writ, and return the same ne in thirty days, and for want of such goods and ttels whereon to levy, take the body of the said —— ———, and him convey and deliver to the per of the common jail in Shawano county; and said keeper is hereby commanded to receive, keep ustody in said jail, the said ———, for the term of ——, unless the said judgment, together with all costs and fees, are sooner paid, or he be discharged due course of law.

iven under my hand this —— day of ——, 18—.

C. D., Justice of the Peace.

he form of the commitment shall be substantially same as that of the execution, omitting all that tes to the levy, sale and return of writs.

Form of commitment same as form of execution.

ECTION 2. Section ten (10), subdivision four, of pter two hundred and seventy eight (278) afore-, is hereby amended, by striking out the word ty," where it first occurs in that section, and in- ing in lieu thereof the word "five," so that sec- ten (10), when so amended, shall read: Section In all cases where the fine is more than five ars, the defendant may appeal from such judg- t to the circuit court of the county of Shawano; *vided*, such defendant, within twenty-four hours, r into a recognizance with one or more sufficient ties, to be approved by such justice, conditioned ppear before said court and abide the judgment e court therein. The justice from whose judgment ppeal shall be taken shall make a special return he proceedings had before him, and shall forth- cause the summons or warrant and return, to- er with the proceedings, and copy of the entries is docket in the action, together with the recog- nce to be filed in the office of the clerk of said t, and the city may appeal from any such judg- t, as in other cases before justices of the peace.

Amended.

Defendant may appeal.

ECTION 3. This act shall take effect from and af- its passage.

pproved March 2, 1875.

CHAPTER 110.

[*Published March* 8, 1875

AN ACT to amend chapter 92, of local laws of 1870, entitled, act to amend the charter of the city of La Crosse, and to pro for a police department in said city."

The people of the state of Wisconsin, represented Senate and Assembly, do enact as follows:

Amended.

SECTION 1. Section two, of chapter ninety-two local laws of Wisconsin for 1870, is hereby amen so as to read as follows: The chief of police s be appointed by the mayor, by and with the adv and consent of the common council, at the regu meeting of the common council held in Octobe each year, and shall hold his office for the term one year from the day of his appointment. Det ives and patrolmen shall be appointed by the c of police and hold their office during his pleasu *provided*, no detective shall be so appointed with the advice and approval of the mayor.

Chief of police to hold office until successor is appointed.

SECTION 2. The present chief of police of the of La Crosse shall hold his office until his succes shall be appointed, unless removed for cause.

Repealed.

SECTION 3. All acts and parts of acts conflict with this act are hereby repealed.

SECTION 4. This act shall take effect and be in fo from and after its passage, and shall be printed the volume of general laws for the year 1875.

Approved March 2, 1875.

CHAPTER 111.

[*Published March* 5, 187

AN ACT to amend chapter 254 of the private and local laws of and the several acts amendatory thereof, being the acts revi consolidating and amending the acts of incorporations of the ci Sheboygan.

The people of the state of Wisconsin, represen in Senate and Assembly, do enact as follows:

Office of city

SECTION 1. The office of city assessor in and

city of Sheboygan, is hereby abolished, and the e of tax commissioner in and for said city at large, the office of assessor for each ward thereof are by created and constituted for the purposes of ssing and returning for taxation the property in city in the manner hereinafter provided.

assessor abolished—amended.

CTION 2. The tax commissioner shall be a res- t freeholder, of the city of Sheboygan, and shall ppointed by the mayor on the first Monday of ary of every second year, subject to confirmation he common council, and shall hold his office for erm of two years, or until his successor is elected qualified; *provided, however*, that a tax com- ioner shall be appointed in the manner aforesaid, on as may be after the passage and publication of act, and when so appointed and confirmed shall his office until the first Monday of January, 1877, until the appointment and confirmation of his essor. Such tax commissioner shall take and cribe an oath of office, and shall enter into a to said city in the penal sum of one thousand rs with at least two sureties, to be approved by nayor, for the faithful performance of his official es. The compensation to be paid said tax com- ioner shall be fixed by ordinance or resolution of common council prior to his appointment to the e, and shall not be increased or diminished dur- his term of office, and shall not exceed the sum ve hundred dollars annually.

Tax commissioner to be resident freeholder and to be appointed by Mayor.

Oath of office.

CTION 3. An assessor shall be elected in and for ward of said city at the annual election on the Tuesday of April next, and each shall hold office he term of two years from the second Tuesday of l following such election, except as hereinafter pro- d, and an assessor shall be elected in and for each at every second annual election thereafter, to for the term aforesaid. Such assessors so elected each take the oath of office provided by law to aken and subscribed by town assessors, and shall he same with the tax commssioner within ten days election. Their compensation shall be prescribed he common council and shall be a per diem allow- , not exceeding the amount allowed by law to assessors and shall be payable only for time act- and necessarily employed by the direction of the commissioner in the duties imposed upon them their sworn statements, detailing the time em- ed, and the same certified by the tax commis- er as a just and proper account.

Assessor to be elected in each ward.

Compensation.

Tax Commissioner shall have power to remove assessor from office.

SECTION 4. The tax commissioner, with the approv of the mayor, shall have power to remove from offi any assessor whom they shall find incompetent neglecting to perform the duties of his office. A in case of such removal, or of a vacancy in such offi occurring in any manner, or of failure to elect an a sessor or of failure to qualify, the mayor and co mon council shall have the power to make appoi ments to fill the vacancy for the unexpired term the same manner provided in section two hereof, f the appointment of tax commissioner, and the ass sors so appointed shall qualify and hold their offi for such unexpired term, and shall have and posse all the powers and the compensation and be govern by all the requirements and provisions of this act.

Repealed.

SECTION 5. Any provisions of said chapter 2 inconsistent with the preceding sections of this are hereby repealed, or so modified as to confo hereto in all respects.

Amended.

SECTION 6. The subdivision of said chapter 2 designated therein as chapter eleven, is hereby amen ed and revised to read as follows:

CHAPTER 11.

ASSESSMENT AND COLLECTION OF TAXES.

Property subject to taxation

Section 1. All property in the said city, real, p sonal or mixed, shall be subject to taxation for all pu poses authorized by law, excepting only such prop ty as is or shall be exempted from taxation by gen al laws exempting from taxation throughout t state, particularly classes of property, or prop ty of particular classes, of corporations or perso and the same shall be assessed in the manner here after provided; and the assessors of wards with a under the direction of the tax commissioner as he inafter provided, shall have and possess the same po ers that are or may be conferred upon township ass sors, except so far as they may be altered or restri ed by this act, and the council may prescribe the fo of assessment roll or more fully define the duties assessors and make such rules and regulations in lation to revising, altering or adding to such rol and may require of the tax commissioner that he o tain and file, or record, information deemed servic able in making assessments as they may from time time deem advisable; *provided*, that the same sh

Council to prescribe form of assessment roll.

be inconsistent with the provisions of this act.

ction 2. The tax commissioner of said city shall an office provided by the common council, h shall be kept open from the first day of April such time as the assessment rolls shall be de- ed to the board of review or during such time as ommon council may prescribe by ordinance or ution, and shall during such time receive and his office all complaints in writing, which shall esented to him, of excessive or erroneous assess- s of real or personal property, either in the year or in the current year, and all such complaints ved as to the current assessments shall be sub- d to the board of assessors and be considered disposed of by them at their first meeting or ngs after the filing of the same. And the said ommissioner shall provide and keep in his of- uring each and every year a record of all lots, s and parcels of land situate in said city, with alue assessed thereon, together with the assessed of the improvements thereon, in separate col-, which shall be included in said assessed value e lot or tract; and shall ascertain, so far as prac- e, the name of the owner or supposed owner of, and insert the name or names thereof in said d, so far as he shall have ascertained the same. hall also provide and keep in said office during and every year a record of all persons and cor- ions liable for assessment for personal property, the amount assessed to each, and as far as prac- le shall exhibit in such record a description e class or classes of personal property and nt of each comprised in each such assessment. hall also ascertain as near as may be, and keep d office a record showing the ownership of all l-property liable to taxation in said city; and ascertain from the best available sources and keep cord in said office showing the probable owner- of bonds, mortgages and stocks liable for taxa- therein, and generally shall have and provide vailable information, as to real or personal prop- iable to taxation in said city which may be ser- ole in making assessment of the same, and for urpose of obtaining such information, shall at nes have and possess all the powers conferred assessors by the laws of Wisconsin in the ex- ation of persons or corporations, under oath or wise, as to personal property owned by them, or

Commissioner to have an office.

Shall receive complaints.

Shall keep record of lots, &c.

Shall keep record of persons and corporations liable to assessment.

Shall keep record showing ownership of vessel-property

in his or their possession or control for the use
benefit, or in trust for others.

Tax commissioner shall prepare schedules, &c.

Section 3. Said tax commissioner shall, prior
the time appointed by law for the assessment
property for taxation, prepare for each ward of s
city in blank books, which shall be furnished for
purpose by the county clerk, schedules or rolls of
taxable real estate in said ward, with the names of
owners or occupants thereof, set opposite each
scription, so far as he has information of the sa
and a list of the names of all persons and corpo
tions having taxable personal property in such wa
so far as he has information of the same, and shall
liver such rolls so prepared, together with any
formation he may have and deems proper to
them in the assessment, to the assessor for each w
respectively.

Assessors to examine and determine valuation of real and personal estate.

Section 4. Said assessors shall proceed forthw
under the direction of said tax commissioner, to
amine and determine the valuation of all taxable
and personal estate within their several wards,
shall be guided therein by information and instr
tions furnished them by the tax commissioner. S
assessors shall respectively enter upon said roll
their wards, their valuations found, and said rolls sl
be fully completed and filed with the tax commissi
er within the time provided by law for the comp
tion of the same. The said ward assessors, in
listing valuation and assessment of property in th
several wards, shall proceed in the manner prescr
ed by the general laws of this state, subject, howev
to the restrictions and provisions herein provid
Where there are buildings or improvements u
any lot or parcel of land, the value of the same sh
be included in the assessed valuation, and shall al
for the information of the tax commissioner's off
be separately valued in a separate column upon th
roll.

Ward assessors with tax commissioner to constitute board of assessors.

Section 5. The ward assessors with the tax co
missioner shall constitute a board of assessors
said city, of which board said tax commissio
shall be *ex-officio* the president, and shall have
deciding vote upon any question before the board
case of an equal division.

Tax commissioner to give notice.

Section 6. On the receipt of the rolls of the s
eral ward assessors the tax commissioner shall g
notice that the same are in his hands and open
examination of the taxable inhabitants of the c

osting written or printed notice thereof in a con-
ıous place in each ward of said city, and upon
door of his office, and shall further state in such
ce certain days when the board of assessors will
open session to pass upon any written com-
nts filed, and to review, correct or alter said rolls,
shall designate the place where such meetings
be held. The tax commissioner shall fix such
ber of days prior to the sitting of the board of
ew as he shall deem advisable for the sitting of
board of assessors which shall not be less than
days. Upon direction of the tax commissioners,
ward assessors shall assemble at such times and
es as he shall designate, and shall with said tax
missioner act as a board of assessors, and shall
e all necessary additions to said roll and correct
same by changes in valuation or description so
make it as perfect as possible. A majority of
board of assessors shall be competent to act
eupon, and the act of the majority shall have the
e force and effect as if done by the full board.
r the corrections are made the tax commissioner
submit the corrected assessment rolls to the
d of review.

Ward assessors to act as board of assessors.

ction 7. The mayor, tax commissioner and city
shall constitute the board of review for said city.
board shall meet annually at the time fixed by
aws of this state, and in the manner thereby pro-
d, and shall proceed as such board to review, ex-
e, and correct such assessment rolls, and in so do-
shall have and exercise all the powers and per-
all the duties of a board of review as the same
r may be prescribed by the general laws of this
, excepting as may be herein otherwise provided;
ided, however, that in case the said assessment
shall not have been fully perfected by the board
sessors, so as to have the same presented to the
d of review upon the day appointed by law, then
shall thereupon adjourn to such time not exceed-
hirty days as shall be deemed necessary to per-
and present such assessment rolls, and notice of
adjournment and of the time and place of the
ing of the board of review thereupon shall be
by the city clerk, by publishing such notice in
official papers of the city, and upon such adjourn-
y the board of review shall meet, and the assess-
t roll shall be submitted to them, and they shall

Mayor, tax commissioner and city clerk to constitute board of review.

proceed in the performance of their duties thereupon as hereinbefore mentioned and provided.

After rolls have been examined, &c.

Section 8. After the rolls have been examined, corrected and completed by the board of review, and within the time prescribed by law, the assessors shall annually deliver the same as completed, duly verified by their respective oaths, annexed thereto, as required by law, together with the sworn statements and valuations of personal property, to the city comptroller who shall file and preserve such statements and valuations in his office.

Comptroller to examine and perfect assessment rolls.

Section 9. The comptroller, upon receiving such assessment rolls, shall examine and perfect the same, and make out therefrom a complete tax-roll in manner and form as prescribed by law for town clerks. But the common council of said city may at any time, by resolution, direct that said tax-roll be made out by the tax commissioner. The common council shall thereupon, by resolution, levy such sum or sums of money or taxes, as may be sufficient for the several purposes for which taxes are by law authorized to be levied in said city, not exceeding, however, the amount authorized by law, particularly specifying in such resolution the purposes for which the same are levied.

Common council to levy taxes.

County clerk shall certify amount of tax levied.

SECTION 8. Immediately after the county clerk shall certify to the city comptroller the amount of taxes levied by the county board of supervisors to be collected in said city, the common council shall cause to be apportioned and extended upon the tax-roll, upon a uniform percentage, by setting opposite to the description of each lot or tract of land, and to the name of each person named in said roll, in proper columns, such proportionate share of all the taxes so levied in or upon said city, as may be chargeable upon such lot or tract of land, or against such person, including five per cent. collection fees. The percentages levied for the several funds, except the ward funds, and benefits and damages by special assessments, may be carried out on said roll in one separate column.

Warrant to be appended to tax roll.

SECTION 9. To such tax roll shall be appended a warrant, signed by the mayor and city clerk, directed to the city treasurer, requiring and commanding him to collect the taxes and assessments on said tax roll.

Tax roll to be compared by city comptroller.

SECTION 10. Such tax roll. before being delivered to the treasurer, shall be compared by the city comptroller with the assessment rolls as corrected, and

ne shall append his certificate that the same has so compared by him, and is correct; and the said ll, when so certified, shall be *prima facie* evidence y court that the lands and persons therein named subject to taxation, and that the assessment was nd equal.

Amount of assessment to be carried out on tax roll.

TION 11. In all cases where, by the provisions is act, any special charge or assessment is a lien upon land, the amount of such charge or ment shall be carried out on the tax roll in a ate column or columns, opposite the lot or tract which the same may be a lien; and the treasurer collect and do all other acts in relation thereto, same manner as if the amount of such lien was eral tax.

Tax may be remitted.

TION 12. After the assessment roll is completed, ate of the taxation is fixed, the taxes are ex- d, and the tax roll is placed in the hands of the reasurer for collection, it shall not be lawful for ommon council to remit, amend, or cancel any arged against any real or personal property, ex- n the following specified cases:

When clerical error is made.

When a clerical error has been made in the des- on or transfer of the property from the original ment books to the tax roll or in the extension tax.

When improvements have been assessed.

When improvements by the erection of build- have been assessed on lots or lands where none een made at the time fixed by law for making sessments.

When tax has been illegal.

When the tax is manifestly illegal and void, by of the exemption of the property from taxa- y law.

When person has been assessed the same year.

When a person has been assessed the same year e same personal property in more than one

When lot or parcel of land is omitted in tax roll.

TION 13. If it shall appear to the tax commis- oner that any lot or parcel of land was omitted in sessment or tax roll of either or both of the two ding years, and that the same was then liable xation, or that any personal property liable to on was so omitted, or that by any error in copy- r carrying out the tax roll the amount properly eable to any lot, property or person has in any een omitted or diminished, then the tax com- oner and assessor shall enter, or cause the same entered, upon the assessment roll for the cur- year as an additional assessment to such proper-

ty or person in the amount so omitted, noting the year when such omission occurred, and such assessment shall have the same form and effect as it would have had if included in the year when the same was omitted, and shall be collected in like manner with other entries upon the tax roll.

City treasurer to give public notice in newspaper.

SECTION 14. Upon the receipt of such tax roll by the city treasurer, it shall be his duty to give public notice in a newspaper published in said city, that said tax roll has been committed to him for collection and that he will receive payment for taxes at his office for the term of twenty days next ensuing the date of said notice, and all persons paying taxes during such time shall be allowed a discount of three-fifths of the amount included or named in the roll for collection fees; *provided*, that the common council may extend the time for such payment, not exceeding twenty days further. After the expiration of said twenty days, or of the extended time, the city treasurer shall proceed to collect the taxes charged in said roll and remaining unpaid, and to levy the same by distress and sale, in the manner provided by the general laws of this state for the collection of taxes by town treasurers, and for that purpose shall have and possess all the powers conferred upon town treasurers. The common council of said city shall have power to extend the warrant for the collection of taxes in said city for such period of time not exceeding sixty days, as they may deem necessary, and the treasurer shall have the same power and authority to proceed in the collection of taxes and in enforcing the same after as before such extension of the warrant, and his return thereupon shall be as valid and effectual as if made pursuant to the direction of the original warrant.

Common council shall have power to extend warrant for collection of taxes.

When tax shall remain unpaid, &c.

SECTION 15. If any taxes mentioned in said tax roll annexed to his warrant shall remain unpaid, either on real estate or person estate, and he shall be unable to collect the same, he shall make out a statement of the taxes so remaining unpaid, distinguishing between such as are real and personal estate by setting them down separately, with a full description of the real estate from his roll and the name of the person taxed if therein specified, and the list so made with the affidavit thereto attached, stating that the taxes therein contained had not been collected, and that he had been unable after diligent search to find goods and chattels belonging to the person or persons charg-

vith said unpaid taxes, out of which to collect the
s, shall be called the delinquent list, and it shall
his duty to deliver such delinquent list to the
surer of the county of Sheboygan, at such time as
equired by law, and he shall at the same time pay
to said county treasurer all moneys collected by
belonging to the county of Sheboygan, and all
s belonging to the state of Wisconsin in the same
nner as required by law of town treasurers.

ECTION 16. All directions hereby given for the ssment of lands and the levying and collection of s and assessments shall be deemed only directory, no error or informality in the proceedings of any he officers intrusted with the same not affecting substantial justice of the tax itself shall vitiate or ny way affect the validity of the tax so assessed. **Directions for assessment of lands.**

ECTION 17. This act shall take effect and be in e from and after its passage.

pproved March 2, 1875.

CHAPTER 112.

[*Published March* 9, 1875.]

ACT to amend chapter 57, of the general laws for the year 1874, titled "An act to incorporate the city of Columbus."

e people of the state of Wisconsin, represented in Senate and Assembly, do enact as follows:

ECTION 1. Section two, of chapter three, of the to incorporate the city of Columbus, is hereby ended so as to read as follows: Section two. The tive officers of said city shall be a mayor, a treas- r, and police justice, elected by and for the city at e; and three aldermen, one supervisor to repre- t his ward in the board of supervisors of Colum- county, one justice of the peace and one constable, be elected by and for each ward. The mayor, surer and police justice, shall be qualified voters in said city, and the ward officers aforesaid shall be lified voters in the ward for which they were elect- The city clerk, attorney, assessor, marshal, and other officers necessary for the proper management the affairs of said city, shall be appointed by the **Amended.**

Officers to hold office one year.

common council. All elective officers, except justices of the peace, shall, unless otherwise provided, hold their respective offices for one year and until their successors are elected and qualified; *provided, however*, the common council shall have power, for due cause, to expel any of their own number, and to remove from office any officer or agent under the city government, due notice being first given to the officer complained of. The justices of the peace shall hold their offices for two years, and until their successors are elected and qualified. The mayor shall have power to suspend any police officer or watchman appointed by the council, when complained of, for cause, until the council shall take up his case and dispose of it. He shall also have power to fill any vacancy thus created for the time being.

Justices of peace to hold office two years.

Amended.

SECTION 2. Section three of said chapter three, is hereby amended so as to read as follows: Section three. Any vacancy happening in any office shall be filled by the common council. The person so elected or appointed to fill any vacancy shall hold his office and discharge the duties thereof until the next annual election, and until his successor is elected and qualified, and with the same rights, and subject to the same liabilities as the person whose office he may be elected or appointed to fill.

Vacanies—how filled.

Amended.

SECTION 3. Section three, of chapter four, of said act, is hereby amended by inserting the word "assessor" after the word "clerk," in the twenty-first line of said section.

Amended.

SECTION 4. Section four, of said chapter four, is hereby amended by adding thereto the following: He may appoint a deputy, in writing, under his hand, and file such appointment in his office, under [and] such deputy in case of the absence or disability of said clerk, shall have full power and authority to perform all the acts and duties pertaining to said office.

Amended.

SECTION 5. Section seventeen, of said chapter four, is hereby amended so as to read as follows: Section seventeen. The city assessor shall assess the real and personal property of said city at the time and in the manner provided for assessing towns; and his compensation therefor shall be fixed by the common council.

Amended.

SECTION 6. Part seventh, of section three, of chapter five, of said act, is hereby amended so as to read as follows: Seventh. To prevent horse-racing, immoderate driving or riding in the streets, to regulate

e and exhibition of stallions and jacks, and the
and times of bathing and swimming in the
within the limits of said city.

TION 7. Section eleven, of chapter eight, of ct is hereby amended so as to read as follows: n eleven. To each assessment roll so delivered, rant, under the hand of the mayor, and city with the corporate seal of the city, shall be an-, substantially in the following form: Amended.

tate of Wisconsin, — Form of warrant.

the city treasurer of the city of Columbus, in unty of Columbia:

are hereby commanded to collect from each of rsons and corporations named in the annexed ll, and of the owners of the real estate described n, the taxes set down in such roll opposite to respective names and to the several parcels of herein described; and in case any person or cor-on, upon whom any such sum or tax is im-, shall refuse or neglect to pay the same, you are y and collect the same by distress and sale of ods and chattels of the persons or corporations ed; and out of the money so to be collected, af-educting your fees, you are first to pay to the rer of said county on or before the last Monday nuary next the sum of ——— ——— for state you are to retain and pay out as city treas-according to law, the sum of ——— ——— and lance of said money you are required to pay to reasurer for county purposes on or before the ove specified; by which day you are further re-to make return to said treasurer of this war-with said roll annexed, together with your do-ereon, as required by law.

en under my hand and the corporate seal of the his —— day of ————, 18—.

———— ————, City Clerk.

TION 8. Section three, of chapter ten, of said act eby amended so as to read as follows: Section When the action is commenced by summons, summons may be substantially in the following Amended.

ty of Columbia— City of Columbus—ss. Form of summons.

tate of Wisconsin, to the sheriff or any consta-of said county, or to the marshal of the city of lumbus, greeting:

You are hereby commanded to summons A. I if he shall be found within your county, to appear b fore the undersigned ———, justice in and for sa city, at my office in said city, on the —— day of — 18—, at —— o'clock in the —— noon, to answer the city of Columbus in a plea of debt to the dama of said city, two hundred dollars or under.

Given under my hand, at the said city, this — day of ——, 18—.

C. D., Justice.

Amended.

SECTION 9. Section five of said chapter is here amended so as to read as follows: Section five. Wh action is commenced by summons, the complaint m be substantially in the following form:

Form of complaint.

State of Wisconsin, Columbia County.

The city of Columbus against A. B.—In justice cou before C. D., justice.

The plaintiff complains against the defendant, that the defendant, on the —— day of ——, 18— said city, did violate section ——, of chapter —— this act, or section ——, of chapter ——, of an or nance, or by-law, or regulation of said city, describ it by its title, which said —— is now in force. reason of such violation an action has accrued to city of Columbus, to recover of the defendant the s of —— dollars debt. Wherefore the plaintiff mands judgment against the defendant for the s aforesaid, besides the costs of this action.

Amended.

SECTION 10. Section six of said chapter is her amended by striking out all after the seventh lin said section down to and including the words D., justice of the peace," when they last occur th in, and inserting in lieu thereof the following:

Form of complaint.

State of Wisconsin, Columbia County—ss:

——— ———, being duly sworn, complains oath to C. D., ———, justice — ——— in and the city of Columbus, in said county, that A. B. the — day of ——, 18—, at said city, did vio (section —, of chapter —, of this act, or section of chapter —, or an ordinance or by-law, or reg tion of said city, describing it by its title,) wh said ——— is now in force, as this complainant re believes; and prays that the said A. B. may be [illegible] and held to answer to said city of Colum

scribed and sworn to before me this — day of
–, 18—.

shall be sufficient to give the number of the
n of this act or the act of which this is amen-
, or the section and chapter of the ordinance,
v or regulation violated in the foregoing forms
nplaint, and said complaint may be sworn to
any officer authorized to administer oaths.
the filing of said complaint with the justice,
all issue a warrant substantially in the follow-
orm:

Justice to issue warrant.

ty of Columbia, City of Columbus—ss.
e state of Wisconsin to the sheriff or any consta-
f said county, and to the marshal of the city of
nbus, greeting:

Form of warrant.

HEREAS, ———— has this day complained
in writing, on oath, that A. B., on the— day of
18—, at said city, did violate (section —, of chap-
–, of this act, or section —, of chapter —, of an
ance, or by-law, or regulation of said city, de-
ing it by its title), which said — is now in force,
complainant verily believes; therefore, you are
y commanded to arrest the said A. B., and bring
before me forthwith to answer to the city of Co-
us on the complaint aforesaid.

C. D., Justice of the Peace.

TION 11. Section nine of said chapter is here-
nended by striking out the form for execution
in contained, and inserting in lieu thereof the
ving:

Amended.

ty of Columbia, City of Columbus—ss.
e State of Wisconsin, to the sheriff or any consta-
said county, or to the marshal of the city of
nbus, and to the keeper of the common jail of
ounty, greeting:

Form of execution.

HEREAS, the said city of Columbus, on the — day
, 18—, recovered a judgment before the under-
d ——— ———, justices —— in and for said city,
st ——— ———, for the sum of —— dollars and
cents, costs of suit, for violation of (state charge
ted in warrant) which ——— is now in full force;
re hereby commanded to levy distress of the
and chattels of said ——— ———, excepting
as the law exempts, and make sale thereof ac-
ng to law, to the amount of said sums, together

with your fees and twenty-five cents for this writ, the same return to me in thirty days; and for w of such goods and chattels whereon to levy, to t the body of the said ——— ———, and him con and deliver to the keeper of the common jail in lumbia county; and the said keeper is hereby c manded to receive, keep in custody in said jail said ——— ———, for the term of ——, unless said judgment, together with all costs and fees, sooner paid, or he be discharged by due course of l

Given under my hand this — day of ——, 18—
C. D., Justic

Amended. SECTION 12. Section fourteen, of chapter elev of said act, is hereby amended by adding thereto follows: and the said sum so levied when collec shall be disbursed under and by direction of street committee.

Amended. SECTION 13. Section eight, of chapter twelve said act, is hereby amended by striking out all of section after the words "site of [or] sites," in the teenth line of said section, and inserting in thereof the following: *Provided*, There shall b majority vote of the whole number of aldermen the city in favor of the same; and it shall be the d of said board to enter into contracts for making s repairs or for the erection of such buildings or the purchase of such sites, whenever it shall be m to appear that the necessary tax for the same has b levied or authorized by the mayor and council.

Repair and purchase of buildings.

Amended. SECTION 14. Section fifteen of chapter thirteen said act is hereby amended by striking out all of s section after the word "provided," being the last lines of the said section.

SECTION 15. This act shall take effect and be force from and after its passage.

Approved March 2, 1875.

CHAPTER 115.

[*Published March* 6, 1875.]

CT to repeal section ten (10), of chapter seventy-nine (79), of general laws of 1871, entitled "An act authorizing county boards pervisors to appoint land inspectors, and to define their duties the duties of the clerks of the boards of supervisors and as-rs."

people of the state of Wisconsin, represented in Senate and Assembly, do enact as follows:

CTION 1. Section (10), of chapter seventy-nine e general laws of 1871, is hereby repealed. Repealed.

CTION 2. This act shall take effect and be in from and after its passage and publication.

pproved March 2, 1875.

CHAPTER 116.

[*Published March* 8, 1875.]

CT to repeal the several acts and parts of acts therein named, incorporating the village of Viroqua, in Vernon county.

people of the state of Wisconsin, represented in Senate and Assembly, do enact as follows:

CTION 1. That chapter two hundred and sixty- (264), of the private and local laws of eighteen red and sixty-six (1866), entitled, "An act to in-orate the village of Viroqua, in Vernon county, of Wisconsin;" also, to repeal chapter one hun- and thirty-eight (138), of the private and local of eighteen hundred and sixty-seven (1867), en-l, "An act to amend chapter two hundred and -four (264), of the private and local laws of 1866, oved March thirty-first (31), eighteen hundred sixty six (1866), entitled, 'An act to incorporate village of Viroqua, Vernon county,'" aforesaid; chapter fifty-three (53), of the private and local of eighteen hundred and sixty-nine (1869), en-l, "An act to amend and consolidate chapter hundred and sixty-four (264), of the private and laws of eighteen hundred and sixty-six (1866) Repealed.

Repealed.

entitled, 'An act to incorporate the village of Vi
qua, aforesaid, and chapter one hundred and thi
eight (138), of the private and local laws of eight
hundred and sixty-seven (1867), entitled, 'An ac
amend chapter two hundred and sixty-four (264)
the private and local laws approved March thi
first (31), eighteen hundred and sixty-six (1866),
titled, an act to incorporate the village of Viroq
in Vernon county aforesaid; also, chapter fifty
(56), of the private and local laws of eighteen h
dred and seventy, (1870), entitled, an act to am
an act, entitled, an act to amend and consolidate ch
ter two hundred and sixty-four (264), of the priv
and local laws of eighteen hundred and sixty-
(1866), entitled, an act to incorporate the villag
Viroqua aforesaid, and chapter one hundred and t
ty-eight (138), of the private and local laws of ei
teen hundred and sixty-seven (1867), entitled, an
to amend chapter two hundred and sixty-four (2
of the private and local laws, approved March thi
first eighteen hundred and sixty-six (1866), entitl
an act to incorporate said village of Viroqua, in V
non county aforesaid; also, sections two (2), three
four (4), five (5), six (6), and seven (7), of chapter
hundred and fifty-four (154), of the private and lo
laws of eighteen hundred and seventy (1870), entitl
an act to amend an act, entitled, an act to amend
consolidate chapter two hundred and sixty-four (26
of the private and local of eighteen hundred and six
six (1866), entitled, an act to incorporate the vill
of Viroqua, and chapter one hundred and thi
eight (138), of the private and local laws of eight
hundred and sixty-seven (1867), entitled, an act
amend chapter two hundred and sixty-four (264)
the private and local laws, approved March thirty-fi
(31), eighteen hundred and sixty-six (1866), entitl
an act to incoroporate the village of Viroqua, V
non county, be and the same are hereby repealed.

SECTION 2. This act shall take effect and be
force from and after its passage and publication.

Approved March 2, 1875.

CHAPTER 117.

[*Published March* 10, 1875.]

ACT to encourage the building of narrow-gauge railroads, and to secure cheap transportation to the people.

e people of the state of Wisconsin, represented in Senate and Assembly, do enact as follows:

Counties, towns, cities and villages authorized to aid in construction of narrow-gauge railroads

ECTION 1. Any county, town, incorporated city village in this state, is hereby authorized and em- vered to aid in the construction of any narrow- ge railroad in this state, to be constructed by any npany, under and by authority of any law of this te, as provided by an act entitled, "an act to au- rize municipal corporations to aid in the construc- n of railroads," approved March 25, A. D. 1872, all acts amendatory thereof.

Corporation may take first mortgage bonds or capital stock for aid subscribed.

ECTION 2. Any municipal corporation named in foregoing section, may, by agreement between railroad company and such municipality, take t-mortgage bonds or capital stock, or part first- rtgage bonds and part capital stock, on the railroad aided, in lieu of the stock of such company, for aid so subscribed. The agreement between such road company and such municipality shall be ar- d at as provided in sections three (3) and four (4), the act aforesaid, and all the conditions, restric- ns, provisions, instructions, forms and require- nts, of every kind and nature, in the act herein- ore mentioned, shall apply to this act, and be plied with, both on the part of the railroad com- y and the municipality subscribing such aid, ning and intending hereby only to change said approved March 25, A. D. 1872, so as to author- the receiving of first-mortgage bonds, by munic- corporations subscribing aid to narrow-gauge roads, in lieu of the stock of such company, the er to secure such municipalities against any pos- lity of loss in subscribing aid to narrow-gauge road companies.

Railroad companies shall fix rates of passenger fares and freights.

ECTION 3. And to further secure the people inst extortionate rates of freight and passenger , all railroad companies, before asking aid under act, shall, by resolution of their board of direc- , fix the maximum rate of passenger fares and s of freight of all classes, to be charged by such

company for the period of ten years from the date o such resolution; *provided*, the passenger fare an rate of freight so fixed, shall at no time exceed th rates fixed by the laws of this state; and such com pany shall cause such resolution to be recorded in th recorder's office of each county of this state throug which their road shall pass, and the rates and fares s fixed shall be binding upon such company, its succe sors or assigns, for the time so fixed in such resolu tion. That is to say, such company shall not excee such maximum rate as determined by their resolu tion, but may, at their option, lower or reduce eithe passenger fare or rates upon freight, and such resolu tion by the railroad company shall be made a part o the proposition to, and agreement with, the munic pality subscribing aid to said company.

Same not to exceed rates fixed by law of state.

Counties, towns, &c. subscribing aid to receive license money paid by railroad to the state.

SECTION 4. And be it further enacted, that eac county, town, incorporated city or incorporated vi lage, subscribing aid to narrow-gauge railroads und this act, shall, from year to year, and each year f the period of ten (10) years, in proportion to the a each municipality shall subscribe for the capital sto of such railroad, receive from the State Treasurer t money paid to the state by the railroad so aided f license or tax.

Proper officer to forward and state treasurer to keep record of bonds issued in aid of railroad.

SECTION 5. It shall be the duty of the proper o ficer of each municipality subscribing aid to narro gauge railroads under this act, at the time of issuin their bonds to the railroad company, in payment f the capital stock of such railroad company, to fo ward to the State Treasurer a statement showing t number of each bond, date, par value, interest bears, and when payable. And it shall be the du of the State Treasurer to keep a record of the san in a book kept for that purpose in his office, a each year for the period of ten years from the da of such bonds, and immediately upon receiving t license or tax money from the railroad company aided, to ascertain the amount due each municip ity, upon the basis of the amount subscribed by ea municipality in aid of such company, and shall p the amount so ascertained to the proper officer each municipality, taking therefor his receipt; *pr vided*, no county, city, town, village, school distri or other municipal corporation, shall grant to sa railroad companies an amount, including existi indebtedness, in the aggregate exceeding five p centum on the value of the taxable property therei

Indebtedness not to exceed 5 per cent. of value of property.

to be ascertained by the last assessment for state and county taxes previous to the incurring of such indebtedness.

SECTION 6. This act shall take effect and be in force from and after its passage and publication.

Approved March 2, 1875.

CHAPTER 118.

[*Published March* 8, 1875.]

AN ACT to cure all defects or irregularities in the proceedings relative to tax-sales in the city of Racine.

The people of the state of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. The sales of property in the city of Racine for the years of 1869, 1870, 1871, 1872, 1873, 1874 and 1875, for the non-payment of taxes thereon, are hereby legalized and declared regular in all respects, notwithstanding the time for the collection thereof was extended by the city council beyond the time then authorized by statute, and returns made in accordance therewith. Sales of property legalized.

SECTION 2. This act shall take effect and be in force from and after its passage.

Approved March 2, 1875.

CHAPTER 119.

[*Published March* 18, 1875.]

AN ACT to prevent gambling in railroad cars.

The people of the state of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. Any person, corporation or company running or operating any railroad in this state, who shall suffer the game called three card monte, or any game or games whatsoever, to be played for gain, or Unlawful for railroad companies to permit gambling on trains or premises.

by means of any gaming device or machine, of a
description or denominotion or name whatever, in l
or their cars, depots, station-houses or in any bui
ing or place, of which he or they have the care, c
tody or possession, the person or corporation so
fending shall be liable to a penalty of not less th
fifty, nor more than two hundred dollars ($200)
each and every offense.

Penalty for violation.

Powers and duties of railroad officers and employes.

SECTION 2. And it shall be the duty of the c
ductors, brakemen, and other railroad officers or e
ployes, and they shall have and possess the power a
authority to arrest any person or persons which th
or either of them shall find in the act of gaming,
mentioned in the preceding section, and bring him
them before any court of competent jurisdiction, up
his or their complaint, forthwith, without warra
and any such person or persons so convicted shall
punished by imprisonment in the county jail not l
than six months, or by fine not exceeding five hu
dred dollars ($500) nor less than fifty dollars ($5
with costs of prosecution.

Penalty.

Informant entitled to one-half the penalty recovered.

SECTION 3. Any person giving information a
making complaint of any violation of the provisi
of this act, shall be entitled to one-half of the pena
recovered.

SECTION 4. This act shall be in force from a
after its passage and publication.

Approved March 2, 1875.

CHAPTER 120.

[*Published March* 6, 1875

AN ACT to render women elegible to local school offices.

*The people of the state of Wisconsin, represented
Senate and Assembly, do enact as follows:*

Women 21 years of age declared eligible to certain offices.

SECTION 1. Every woman of the age of twenty-
years and upwards, residing in the district wit
which the duties of the office are to be performed
hereby declared to be eligible, and may be elected
the following school offices, viz: The office of di
tor, treasurer and clerk of school districts; direc
and secretary of town boards, under the towns

system of school government; member of a board of education in cities; and county surperintendent of schools.

SECTION 2. All acts or parts of acts inconsistent with the provisions of this act, are hereby repealed. Repealed.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved March 2, 1875.

CHAPTER 121.

[*Published March 6, 1875.*]

AN ACT relating to cemeteries and cemetery associations.

The people of the state of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. All cemetery associations and proprietors of public cemeteries, shall have authority to prevent the erection, construction or maintenance, within such cemeteries, of wooden fences, railings, or wooded structures of any kind, or of any unsightly, offensive or dangerous structures, head-stones, or monuments, and may after giving reasonable notice to the owner or proprietor of any cemetery lot, on which the same are situated, remove or cause the same to be removed, at the expense of such proprietor. If such owner or proprietor shall be a resident of the county where said cemetery is located, the notice shall be personal; in any other case the notice may be served by mail or by publication of such notice for three successive weeks in a newspaper published in the county where such cemetery is located, or in a newspaper published in an adjoining county, or at the seat of government of the state, if no newspaper shall be published in the county where such cemetery is located.

Power of cemetery associations to prevent certain structures.

May remove same upon proper notice.

SECTION 2. This act shall be in force from and after its passage and publication.

Approved March 2, 1875.

CHAPTER 122.

[*Published March* 5, 1875

AN ACT to provide for the completion and furnishing of the No
ern Hospital for the Insane.

*The people of the state of Wisconsin, represented
Senate and Assembly, do enact as follows:*

Appropriation.

SECTION 1. There is hereby appropriated, out of
money not otherwise appropriated, the sum of nine
eight thousand, seven hundred dollars, in full, for
completion of the south wing of the northern Ho
tal for the Insane and the construction of air-du
heating-apparatus, rain-water reservoirs, sewera
and the supplying of gas fixtures.

Board of trustees to complete work specified.

SECTION 2. The Board of Trustees of the North
Hospital for the Insane are hereby authorized to co
plete, by contract, the work herein specified, and
that purpose they are hereby authorized and emp
ered to enter into contracts with proper and resp
sible parties for the completion of said south wi
under such conditions, security and guarantee
shall effectually protect the interests of the St
And the said Board of Trustees shall advertise
twenty days in one paper in each of the cities of O
kosh, Madison and Milwaukee, for sealed propo
for the completion of said south wing and the p
formance of such work hereby authorized, accord
to the plans and specifications determined, upon s
terms and conditions as they shall deem essential
the interests of the State, and they are hereby
powered to contract with the lowest responsi
bidder or bidders for the work herein provided
The whole of said work to be completed on or be
the first day of December, A. D. 1875.

Board shall advertise for sealed proposals.

Architect—his duties.

SECTION 3. The said Board of Trustees shall app
a competent architect, whose duty it shall be to
perintend the said work as it progresses, and
shall receive such compensation as said Board s
determine.

Architect to certify to all work done.

SECTION 4. The said architect shall, at the clos
each month, make an estimate in detail of all w
done and materials furnished during said month,
der said contracts, and shall certify the same to
said Board of Trustees, and the said Board of T
tees, after having examined and approved said

mates, shall draw warrants on the State Treasury for the said amounts less such per cent. as may be retained until the completion of the said contract, and of the work herein authorized and under the limitation provided in section one of this act.

No member of board or officers of hospital to be interested in contract.

SECTION 5. No member of the said Board of Trustees, or other officers of the said Hospital, shall, in any manner, or at any time, be interested either directly or indirectly, in any contract, or in doing any work or furnishing any materials provided for in this act, and any such trustee or officer being or becoming so interested shall be deemed guilty of a misdemeanor, and shall upon conviction be punished by a fine not exceeding ten thousand dollars, nor less than one thousand dollars, or by imprisonment in the county jail not less than twelve months nor more than eighteen months, or by both such fine and imprisonment.

Penalty for violation.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 2, 1875.

CHAPTER 123.

[*Published March* 6, 1875.]

AN ACT to provide for the incorporation of trustees to hold property for religious purposes in certain cases.

The people of the state of Wisconsin, represented in Senate and Assmbly, do enact as follows.

Religious societies may elect trustees.

SECTION 1. Any diocesan council or convention, conference, synod or other body of authorized representatives of any church or religious denomination in this state, may elect any number of trustees, not less than three, to be incorporated under this act for the purposes hereinafter stated.

Persons elected shall file certificate in office of secretary of state.

SECTION 2. When the persons so selected by any such body as aforesaid shall file in the office of the secretary of state a certificate, duly signed by the presiding officer and countersigned by the secretary of the body aforesaid, by which they were so elected, stating the name of the body, by whom elected, the names of the persons so elected, and the corporate name or title by which such trustees are to be known, the

term for which they are to hold under such election, and the purposes for which it is desired to incorporate them under this act, the governor and secretary of state shall issue to the person so elected a patent, under the great seal of the state, signed by the governor and countersigned by the secretary of state, substantially in the following form:

Governor and secretary of state to issue patent.

Form.

To all to whom these presents shall come greeting:

WHEREAS, (names of trustees) have filed in the office of the secretary of state a certificate of (presiding officer and secretary of body electing them) that said (names of trustees) have been by the (name of body electing them, and church or denomination) duly elected to be known as a corporation under the name of (corporate name) for the purposes of (state purposes of corporation.)

Now, therefore, the state of Wisconsin does hereby grant to said———·———, and their successors, authority by and under their said name of———— to have and exercise the powers and privileges of a corporation, for the purposes aforesaid, according to the laws of this state.

In witness whereof, etc.

Persons named in patent to constitute a body politic and corporate.

SECTION 3. From the issuing of such patent the persons named therein, and their successors duly elected by the proper body of their church or denomination, shall constitute a body politic and corporate, for the purposes aforesaid, and for those purposes and no other shall have all the powers of a corporation, subject only to the limitations of this act.

Such corporation empowered to hold title to church property and manage same.

SECTION 4. Every such corporation may be empowered by the body which elects them, and by said patent to take and hold the title to church property, both real and personal, of the church or religious denomination for which it is created, which is used or designated to be used for missionary or other proper purposes of such church or religious denomination, and not specially used for the purposes of any local religious society incorporated under the laws of this state; and to use, manage and convey the same to the extent, and under such restrictions and limitations as may be prescribed by the proper ecclesiastical authority of their church or religious denomination.

Tenure of position.

SECTION 5. The members of every such corporation shall hold their said position for such term as the body electing them may determine, and until their successors are duly elected.

SECTION 4. This act shall take effect from and after its passage and publication.

Approved March 2, 1875.

CHAPTER 124.

[*Published March* 6, 1875.]

AN ACT to provide for the service of process on sheriffs in certain cases.

The people of the state of Wisconsin, represented in Senate and Assembly, do enact as follows:

To provide for service of process on sheriff when coronor is absent or incapacitated.

SECTION 1. Whenever, for any cause, there shall be a vacancy in the office of coroner in any county in this state, or when the coroner of any county shall be absent therefrom, sick or unable to perform the duties of the office of such coroner, or who shall for any reason (except the non-payment of legal fees), refuse to serve and execute legal process against sheriffs in any action commenced in any court of record in this state, within the county for which such coroner is elected, any judge of a court of record or court-commissioners of the county in which an action is brought against the sheriff of such county, may, on proof of such vacancy, sickness, absence or refusal to serve and execute process against the sheriff in such action, order and empower any respectable citizen and tax-payer of the county in which such process is to be served and executed, to serve and execute such process, and such order endorsed on such process, and addressed to any such person, shall, for such action only, be the warrant and authority for the person therein named to serve and execute such process, with like powers, fees, liabilities and authority as are now vested in coroners of any county in this state.

SECTION 2. This act shall take effect and be in force from and after its passage.

Approved March 2, 1875.

CHAPTER 125.

[*Published March* 6, 187

AN ACT to provide for costs on writs of certiorari from justices peace.

The people of the state of Wisconsin, represente Senate and Assembly, do enact as follows:

Costs and state tax.

SECTION 1. At the time of serving writs of cer ari upon a justice of the peace, it shall be the of the party in whose favor the writ shall issue his attorney, to pay the justice's costs, one dolla return and one dollar for state tax, which sha taxed the same way as other costs on determ tion of case.

SECTION 2. This act shall take effect and be in from and after its passage.

Approved March 2, 1875.

CHAPTER 126.

AN ACT to provide for the safe keeping of certain court rec Milwaukee county.

[*Published March* 6, 18

The people of the state of Wisconsin, represente Senate and Assembly, do enact as follows:

Records to be kept in court-house.

SECTION 1. The official records made by the nographic reporters of the circuit and county c of Milwaukee county, shall be kept by said rep in the court house of said county.

Suitable room to be provided for safe keeping of records.

SECTION 2. The county board of Superviso Milwaukee county shall assign and furnish sui rooms in the court house of said county for th keeping of the records mentioned in the fore section, and for the transaction of all business fully connected with the keeping of such recor

SECTION 3. This act shall take effect and be in from and after its passage.

Approved March 2, 1875.

CHAPTER 127.

[*Published March* 6, 1875.]

AN ACT to provide for reimbursing the state for moneys paid in certain cases.

The people of the state of Wisconsin, represented in Senate and Assembly, do enact as follows:

Secretary of state to ascertain amount of money apportioned to counties for other than school purposes.

SECTION 1. Whenever any money shall have been or shall hereafter be appropriated from the state treasury to any person or persons on account of the failure of the state to furnish a complete title to lands sold by the state to such person or persons, it is hereby made the duty of the Secretary of State, to ascertain how much of the money paid by such person or persons on such lands, has been apportioned and paid to any county for other than school purposes.

Secretary of state to certify additional tax.

SECTION 2. It shall be the duty of the Secretary of State at the time of the annual apportionment of the state taxes, in addition to the taxes now authorized, to certify an additional tax to counties in which such lands are located, equal to the amount paid to such county, as proceeds from the sale of such lands, for other than school purposes, and such certificate shall further contain a description of the lands on account of the sale of which the additional tax is levied.

Duty of board of supervisors—levying additional tax.

SECTION 3. The county board of supervisors, at the time of their annual meeting, shall add such additional tax to, either the state tax before it is apportioned to the several towns, or to the state tax of the town in which such lands are located, after the state tax is apportioned, according as either the county or the town in which such lands are located shall have received the benefit of the moneys arising from the sale of such lands.

SECTION 4. This act shall take effect and be in force from and after its passage and publication.

Approved March 2, 1875.

CHAPTER 128.

[*Published March* 8, 1875.]

AN ACT to authorize the Commissioners of School and University Lands to loan a portion of the trust funds of the state to the city and town of Mineral Point, in Iowa county.

The people of the state of Wisconsin, represented in Senate and Assembly, do enact as follows:

Commissioners of school and university lands to loan money to city and town of Mineral Point.

SECTION 1. The Commisioners of School and University Lands are hereby authorized to loan a portion of the trust funds of this state, not exceeding fifty thousand dollars, jointly to the common council of the city of Mineral Point, and the supervisors of the town of Mineral Point, in the county of Iowa, in this state, and the said common council and the board of supervisors are hereby authorized to jointly borrow a sum not exceeding the amount above named of said commissioners, and to jointly issue to said commissioners certificates of the indebtedness so contracted. Said indebtedness shall bear interest at the rate of seven per cent. per annum, and said interest shall be paid annually together with not less than one-tenth of the principal sum until the whole is paid.

Rates of interest.

Annual interest and ten per cent. of principal to be added to state tax certified against Iowa county.

SECTION 2. Each and every year until the whole loan be re-paid, the secretary of state shall, when he apportions the state taxes among the several counties, add to the state tax which would be properly chargeable to said county of Iowa, the annual interest due the state on said loan, together with ten per cent. of the principal sum so loaned, and the same shall be levied and collected out of the taxable property of said city and town and paid over to the county treasurer of said county of Iowa, and by him to the state in the same way as other state taxes are collected and paid.

Board of supervisors to levy amount required for payment of interest and ten per cent. of principal.

SECTION 3. At the time and in the manner provided for levying taxes for state and county purposes, the board of supervisors of the said county of Iowa shall levy the amount of money required for the payment of the annual interest and not less than one-tenth of the principal sum loaned by the commissioners of school and university lands to the common council of the city of Mineral Point, and the board of supervisors of the town of Mineral Point, in said

county of Iowa, as provided for in the preceding sections of this act.

SECTION 4. And it is further provided that the said city of Mineral Point and the town of Mineral Point shall never, during the period in which said bonds shall remain unpaid, become indebted or contract debts for a greater amount, including debts heretofore contracted, as well as that herein referred to, than five per cent. of the average taxable property, as the same shall appear from the last two assessment-rolls. Before contracting any debt, and before any of said funds shall be delivered to said city and town in exchange for said certificates of indebtedness, the common council of the city of Mineral Point and the town board of supervisors of the town of Mineral Point, in said county, shall file with the secretary of state a joint acceptance of the provisions of this act and of the terms and limitations herein provided for.

Limit of indebtedness.

Joint acceptance to be filed with secretary of state.

SECTION 5. This act shall take effect and be in force from and after its passage.

Approved March 2, 1875.

CHAPTER 129.

[*Published March* 6, 1875.]

AN ACT to authorize the common council of the city of Ripon to levy and collect a tax of one and one-half per cent. on its assessed valuation for the years of 1875, 1876, and 1877, and to place the same in the general fund.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. The common council of the city of Ripon are hereby authorized and empowered to levy and collect upon the taxable property of said city on the 15th day of June of each year, for the years 1875, 1876, and 1877, the sum of not more than one and one-half per cent. which sum when so levied and collected shall be placed to the credit of the general fund for said years, and applied to the payment of the bonded indebtedness of the said city.

Tax authorized for payment of bonded indebtedness of city.

SECTION 2. When the common council of said city shall levy and collect such tax, they shall direct the

Collection of tax.

clerk of said city to proceed to enter and apport the said amount upon the property of the city, as sessed in and for each previous year, in a book books to be procured for that purpose, and shall rect the treasurer of the said city to collect and force the same in the same manner as the gen taxes are collected and enforced.

SECTION 3. This act shall take effect and be in f from and after its passage and publication.

Approved March 2, 1875.

CHAPTER 130.

[*Published March* 6, 187

AN ACT to authorize the board of supervisors of the county o umet to erect a soldiers' monument, and to levy a tax for the

The people of the state of Wisconsin, represente Senate and Assembly, do enact as follows:

Board of supervisors authorized to erect monument

SECTION 1. The board of supervisors of the co of Calumet are hereby authorized to erect at the c ty seat of said county, a suitable monument to memory of those persons, residents of said cou who were killed while in the military or naval se of the United States, in the late war for the sup sion of the rebellion, or who died of wounds re ed in such service, or of disease contracted in service. Such monument to be erected unde direction and supervision of the board of supe ors of said county; and that said board of s visors are hereby authorized to levy a tax no ceeding three mills on each dollar of all taxable erty in said county, to aid in building said sol monument.

Tax to be levied.

Question to be submitted to voters of county

SECTION 2. Before any such monument sha erected, the question of erecting the same, a levying a tax sufficient therefor, shall be subm by the said board of supervisors to the voters o county at any general election, in such form as shall direct; and if a majority of the votes polled this question shall be in favor of the said monu then the said board of supervisors shall proce levy and collect the tax for the erection of the

SECTION 3. This act shall take effect a from and after its passage.

Approved March 2, 1875.

CHAPTER 131.

[*Published March* 8, .

AN ACT to legalize the acts of the board of aldermen of the Manitowoc, in ordering street work, and to legalize the acts c tain officers relating to said streets.

The people of the state of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. The order of the board of aldermen of said city in ordering thirteenth (13) street in said city graded, is hereby legalized and made of as full force and virtue as if the said order had corresponded fully with the requirements and provisions of section six (6), of section three (3), of chapter three hundred and fifty-nine (359), of private and local laws of 1871, and same is hereby declared to be of as full force and virtue as if same had adopted the language of said section fully, and of as much force as if the ayes and noes had been recorded on its passage. **Order of board of aldermen legalized.**

SECTION 2. The action of t e street commissioner, city treasurer, city clerk and surveyor, acting under, and by virtue of the above mentioned order, is hereby declared to be legal and in full force and effect, and shall not be void on account of inequalities [informalities] which may have occurred. **Action of various officers legalized.**

SECTION 3. The proper authorities of said city of Manitowoc are hereby authorized to enter the tax levied for improving said street and lots abutting on same in the next annual tax roll, and to proceed to collect the same according to law. **Collection of tax authorized.**

SECTION 4. The order referred to in section one (1), of this act, is recorded in volume three (3), of city records, page two hundred and fifty-seven (257), and is in the record of the minutes of the meeting of the board of aldermen of said city on the sixth (6) day of July, 1874. **Record of order.**

SECTION 5. This act shall be in force from and after its passage.

Approved March 2, 1875.

CHAPTER 132.

[*Published March* 8, 1875

AN ACT to legalize the proceedings of the joint meeting of the a sors of the towns of New Holstein, Russell, Calumet, and Ma field.

The people of the state of Wisconsin, represented Senate and Assembly, do enact as follows:

Acts legalized

SECTION 1. The equalization of property in jo school district number three, of the town of N Holstein, county of Calumet, made on the seve day of November, 1874, by the assessors of the to of New Holstein, county of Calumet, Russell, cou of Sheboygan, and Calumet and Marshfield, cou of Fond du Lac, is hereby legalized and declare be of full force and effect.

SECTION 2. This act shall take effect and be force from and after its passage.

Approved March 2, 1875.

CHAPTER 133.

[*Published*, *March* 5, 1875

AN ACT in relation to building a boom or booms at the bridge a the Wisconsin River at Boscobel.

The people of the state of Wisconsin, represented Senate and Assembly, do enact as follows:

Required to build but one boom.

SECTION 1. The city of Boscobel shall only be quired to build one boom on the Wisconsin River Boscobel bridge, said boom to extend from the no pier of said bridge to the north bank of the ri and to be not less than one hundred and twenty long.

When city shall build other booms.

SECTION 2. After the completion of said impro ments at said bridge, and the permanent establish of the river channel, then the said city shall bu such boom or booms as prescribed by law, if deem necessary by the engineer in charge of said impro ments.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved March 2, 1875.

CHAPTER 134.

[*Published March* 5, 1875.]

AN ACT to encourage the invention and successful use of steam or other mechanical agents on highways.

The people of the state of Wisconsin, represented in Senate and Assembly, do enact as follows:

Appropriation to inventor of engine.

SECTION 1. There is hereby appropriated the sum of ten thousand dollars, out of any money in the treasury not otherwise appropriated, to be used as a bounty, and to be paid to any citizen of Wisconsin, who shall invent, and after five years' continued trial and use, shall produce a machine propelled by steam or other motive agent, which shall be a cheap and practical substitute for the use of horses and other animals on the highway and farm; *provided*, that said appropriation shall not be levied or collected until a successful award is made.

Requirements of machine to be invented.

SECTION 2. Any machine or locomotive entering the list to compete for the prize or bounty, shall perform a journey of at least two hundred miles, on a common road or roads, in a continuous line north and south in this state, and propelled by its own internal power, at the average rate of at least five miles per hour, working time.

Further requirements.

SECTION 3. The said locomotive must be of such construction and width as to conform with or run in the ordinary track of the common wagon or buggy, now in use, and be able to run backward or turn out of the road to accommodate other vehicles in passing, and to be able to ascend or descend a grade of at least two hundred feet to the mile.

Secretary of state to draw warrant.

SECTION 4. The Secretary of State is hereby empowered and authorized, when satisfactory proof that the above conditions have been complied with, to draw his warrant on the treasury for the sum of ten thousand dollars, and pay the same to the inventor of the successful machine.

SECTION 5. This act shall take effect and be force from and after its passage and publication.

Approved March 2, 1875.

CHAPTER 135.

[*Published March* 5, 1875.

AN ACT to enable the cities of Green Bay and Fort Howard and villages of Depere and West Depere, Brown county, Wisconsin expend their proportions of the county highway tax, on co highways in the limits of said cities and villages.

The people of the State of Wisconsin, represented Senate and Assembly, do enact as follows:

Highway tax —how to be expended.

SECTION 1. All county highway tax now levied that may hereafter be levied by the board of supe sors of Brown county, on the taxable property of cities of Green Bay and Fort Howard, the village Depere and West Depere, in said Brown cou shall be expended under the direction of the comm councils of said cities, in said cities, and the boar trustees of said villages, in said villages, on the pu highways within the corporate limits of either cities or said villages; *provided*, that such highw connect with the county highways leading into cities and villages.

Repealed.

SECTION 2. All acts or parts of acts conflicting w section one, of this act, are hereby repealed.

SECTION 3. This act shall take effect and be in fo from and after its passage and publication.

Approved March 2, 1875.

CHAPTER 136.

[*Published March* 18, 1875.]

AN ACT to amend chapter 22, of the laws of 1874, in relation to the municipal court, city of Madison.

The people of the state of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section one, of said chapter 22, of the laws A. D. 1874, is hereby amended so as to read as follows: "Section one. Section two of the said chapter 107, of the laws A. D. 1873, is hereby amended so as to read as follows: There shall be established in the city of Madison and county of Dane, a municipal court, for the transaction of all business that may lawfully come before it. And for that purpose the city of Madison and county of Dane, is hereby declared a municipality. The municipal court shall be a court of record, with a clerk and seal, and shall have concurrent jurisdiction with the circuit court of Dane county, with full power and authority to hear, try and determine, all cases of crimes and misdemeanors of whatever kind, except murder, that are or may be cognizable before the circuit court, which may be committed in the county of Dane; *provided*, that in all cases in which defendants are charged with committing offenses punishable by imprisonment in the state prison, the said municipal court shall not proceed to try and determine the same, unless the defendant or person charged with such offense shall first signify his desire or willingness to be so tried in said municipal court, by giving his or her consent in open court, to be entered on the minutes or the docket of said court, or in writing signed by him or her, to be filed in said municipal court; *provided, further*, that in all cases in which the person charged with crime shall plead guilty to the charge, the said municipal court shall have full power and authority to sentence such person so pleading guilty, to hard labor in the state prison, in case the offense is liable to such punishment, or to inflict any other punishment or penalty under the laws of this state, in as full a manner as the circuit court could do in such cases.

Amended.

Municipal court established.

Jurisdiction of court.

Proviso.

Power to sentence.

SECTION 2. Section 4 of said chapter 22 of the laws of A. D. 1874, is hereby amended so as to make that portion of it numbered section twenty (20), of

Amended.

chapter 107, of the laws of A. D. 1873, read as fo

Power of court.

lows: And the said municipal court shall have pow to commit, or bail over to such time as may be co venient, such persons as may be found on exami tion before it to be indictable or subject to a cri nal information, in which such persons are charg with any offense punishable by imprisonment in state prison, in case such person shall consent to tried in said municipal court, as provided in sect one of this act; and on or before the time fixed the trial of such persons so committed or bai over, the district attorney shall file in said munici court the proper information against such perso and the court shall then proceed to hear, try and termine the same, unless the said cause is contin by the court for cause. And in any criminal ca not cognizable before a justice of the peace, and which an information may be filed as aforesaid, a the same is at issue, the judge may fix a day for trial of the same, and the same may then be tried the court, in case a trial thereof by jury is wai by the counsel of the accused in writing or in o court, to be entered upon the minutes; and in cas trial by jury is so waived, the cause shall be tried the court. A jury in said municipal court, in cri inal cases, shall consist of twelve men qualified sit as jurors under the laws of this state.

District attorney shall file information.

Jury.

Amended.

SECTION 3. Section five (5), of said chapter tw ty-two, of the laws of A. D. 1874, is hereby amen by adding to the end of said section the followi The manner of selecting a jury in said munici court, shall be as follows: The senior alderman each ward of the city or Madison, and the supervi for each ward, shall, on or before the third Tues of April in each year, make a list of twenty name persons for each ward, qualified under the law this state to serve as jurors, and report said lis the judge of said court; and the clerk of said co under the direction of said judge, shall write d said names, so reported, each on a separate slip paper, and carefully fold said slips, and deposit t in a box to be kept for that purpose. Any resid of Dane county qualified under the laws of this s to sit on juries may be selected as a juror in said nicipal court. And whenever a jury shall be quired in said court, the clerk of said court, un the direction of the judge, shall draw from said j box twelve names, and the persons whose names

Manner of selecting jury.

so drawn, shall be summoned as jurors in the case, unless the parties shall object; and in such case each party shall have the right to strike off the names of the persons to whom he may object, which names, so stricken off, shall be supplied by others drawn from the box as fast as they are stricken off, until each party has stricken off his six names; and the persons whose names remain on the list thus made up shall be summoned as a jury in the case unless challenged for cause or peremptorily by a venire issued under the hand of the judge. In case any of the jurors named in the venire cannot be found, or in case any of them shall be excused, the judge may order other names drawn from the jury box to supply their places, or summon from the county at large a sufficient number to supply the places of the persons who cannot be found, or who may have been excused, or challenged and set aside for cause. The court shall, on motion of either party in any suit, examine on oath any person who is called as a juror, touching his qualifications as a juror in the case. All laws conferring powers of jurisdiction on or regulating proceedings in circuit courts, or the judges thereof in criminal proceedings, are hereby extended to and over the municipal court; and the judge thereof may do and perform all acts, such as hearing motions, granting new trials and doing all other matters and things which may be done and performed by the circuit court of Dane county or the judge thereof, in criminal cases under the limitations and restrictions imposed by this act. All sentences and judgments of said municipal court in criminal cases and all the judgments and orders of said municipal court in criminal proceedings may be reviewed by the supreme court upon writ of error or otherwise in the same manner and to like extent as the judgment of circuit courts of the state; *provided*, that in civil causes tried in said municipal court appeals shall be taken as heretofore to the circuit court, and this act shall be so construed as not to change the jurisdiction of said court in civil cases.

Laws extended to municipal court.

Sentences, judgments, &c., may be reviewed by supreme court.

SECTION 4. Section 4, of the said chapter 22, of laws of A. D. 1874, is hereby amended by adding to the end of that portion of said section, which is numbered "section 18," being understood as section 18, chapter 107, of laws of A. D. 1873, as follows: The judge of said municipal court shall appoint under his hand and the seal of said court, some suitable person

Amended.

Clerk of court as clerk of said court. The said clerk, when so pointed, shall, before entering upon his duties, t and subscribe an oath to support the constitution the United States, and of the state of Wisconsin, faithfully to discharge the duties of his office, wh appointment and oath shall be filed in the office the city clerk of the city of Madison, and a duplic of the same in the office of the clerk of the circuit co of Dane county. The duties of such clerk shall b do and perform all [such] ministerial acts as shall required of him by the judge of said court. He sl have power to administer oaths, take acknowledgme of bail and other instruments, and under the di tion of the judge of said court, to take testim and record the judgements, orders, and sentences the said municipal court.

Amended. SECTION 5. The said chapter 22, of the laws of D. 1874, is hereby further amended by adding the same the following sections which shall st as sections 8, 9, 10, 11, 12, 13, 14, 15, 16, of chapter 22, of laws of A. D. 1874: Section 8.

Fines and penalties to be paid into city treasury. fines and penalties collected in criminal cases, which the state is made a party, shall be paid to the city treasury quarterly by said munici judge, and shall be annually accounted for paid over to the county treasurer at the time of counting for the state and county taxes. The cou

County of Dane to account for half of stationery &c. of Dane shall, at the same time, account to the c of Madison for one-half of all the blanks, stationer record books, office furniture, lights, fuel, and ot necessary expenses for the municipal court, wh shall be furnished and paid for by said city of Ma son in the first instance. Section 9. The comm council of the city of Madison, by and with the c sent of the board of supervisors of Dane cou

Salary of judge. may provide for the payment of a salary to the ju of the municipal court, in lieu of his fees, which sl not exceed the sum of three thousand dollars annum. And when so provided, one-half of the s so agreed on shall be paid by the city of Madis and the other half by the county of Dane. And such case the same fees shall be taxed and collec as before, and, when paid into said court, shall be ported to the common council, by the judge ther and applied to the payment of such salary. Sect 10. The jurors in said municipal court shall rece one dollar per day in criminal cases, and in civil ca the same as heretofore allowed by law. Section

The sheriff of Dane county shall execute the sentences of said municipal court, in case of conviction for offenses punishable in state prison, in the same manner and to the same extent as in cases of criminal conviction in the circuit court. Section 12. Appeals from justices of the peace of Dane county in criminaal cases may be made to the municipal court in the same manner as provided by law for appeals to the circuit court; or may be made to the circuit court, at the option of the party appealing. And said municipal court is hereby empowered to hear, try and determine the same; in like manner all examinations, recognizances and commitments from such justices, may run to, and be certified and returned to the municipal court, instead of the circuit court for Dane county, and in case the defendant or person held shall wish or consent to have his case tried and determined in said municipal court as provided by section one of this act. And it shall be the duty of all such justices, before whom such trials or examinations shall have been held, to transmit to the judge of the municipal court, all the papers in such cases, together with a certified copy of his docket, within thirty (30) days from the time of the trial or examination before such justice, and he, the said justice, shall fix the time when the party appealing or held on examination shall be required to appear before said municipal court, which time shall not be less than ten nor more than thirty days from the time of said trial or examination. On the receipt of such papers, the judge of the said municipal court shall cause the case to be duly entered in the court docket, and on the time fixed by the justice for the hearing thereof, the said municipal court shall proceed to hear, try and determine the same, unless the same is continued by said judge, or by the parties for cause. Appeals shall be tried before said municipal court in the same manner as appeals in the circuit court; in all examinations of criminal cases returned to said municipal court by justices on or before the time fixed for the hearing of the same by the municipal court, the district attorney of Dane county shall file his information in said municipal court, as in other cases originally brought in said court; *provided*, the accused shall consent to be tried in said court as herein provided. Section 13. The judge of said municipal court may, if he shall deem it best, hold terms of court for the trials of of-

Duty of sheriff

Of appeals.

Justices shall transmit papers.

District attorney of Dane county to file information.

Judge to fix terms of court.

fenses which are indictable, or in which informa
may be filed, and for the trial of appeal cases, a
which juries may be demanded. Which said t
may be held as often as the judge may think n
sary, not exceeding four terms in each year, in
such terms are ordered; and in case such a
or terms are ordered, the clerk of said muni
court, in presence of the judge and of the sher
Dane county, at least three days before the first
of said term, shall draw thirty-six names fro
jury box, and the persons whose names shall be
drawn, shall be summoned as jurors for the said
In case any of the persons thus drawn cann
found, or are excused from any cause, the judge
cause other names to be drawn from the box to
ply the places of the persons so excused, or he
in his discretion, order the sheriff or other
to summon from the county at large, any pe
qualified to act as jurors, under the laws of this

Clerk to draw jury.

Power of judge to commit.

In case terms of court are ordered as afor
the judge of said court shall have power to co
or bail over to the next term, such persons as
be found on examination before him to be ch
able with offenses which are subjects of indict
or information in which juries are demanded
dered or required by law and in which the defen
consent to be tried in said court as provided i
first section of this act, and he may also put over to
term all appeal cases. Section 14. The clerk o
municipal court shall have the power to exami
oath all persons who may apply for warrants i
court, and he shall reduce the examination to
ing and cause the complainant to subscrib
same, and upon such complaint the judge may i
warrant the same as if such examination had
made before him personally. Section 15. The
of said municipal court is hereby authorized t
the following fees in criminal causes: Hearing
deciding motions, one dollar; for hearing and d
ing on any other motion, fifty cents; allowin
appeal to the supreme court, three dollars, tog
with fifteen cents per folio for all writing in m
such return; making and recording all nece
orders in a case, fifty cents; for issuing venire
cents; recording verdict, fifty cents; taking an
proving bail, fifty cents; commitments to state p
one dollar; each commitment to jail, fifty
drawing jury, fifty cents; and for all other se

Powers of clerk.

Fees in criminal cases.

not herein provided for, such fees as are allowed by law to justices of the peace, which said fees shall be taxed as costs in each case, and paid as other costs in criminal cases are paid, and out of such fees the said judge shall pay the clerk of said court such compensation as he may deem just and reasonable. Section 16. Any person or persons committed to jail by any justice of the peace of Dane county for trial in the circuit court may, on the order of the judge of the municipal court, be arraigned before him, and if such person or persons shall consent, as provided in the first section of this act, such person or persons may be tried in said municipal court for the offense with which he or they may be charged, in the manner prescribed by this act.

Persons committed by justice of peace may be arraigned before municipal court.

SECTION 6. This act shall take effect and be in force from and after the third Tuesday of April, A. D. 1875, and all acts and parts of acts conflicting with it are hereby repealed; *provided*, that nothing herein contained shall be so construed as to abridge or take away any of the powers or jurisdiction heretofore enjoyed by the said municipal court, which are not inconsistent with this act, it being expressly understood that the said municipal court shall have full power and authority, concurrently with the circuit court, to hear, try and determine all misdemeanors and all other offenses under the laws of this state which are punishable only by fine or imprisonment in jail, or punishable in any other manner than by imprisonment in the state prison. It being further understood that the jurisdiction of said municipal court in civil matters remains the same as heretofore.

Repealed.

Power and authority of municipal court.

Approved March 2, 1875.

CHAPTER 137.

[*Published March* 8, 18

AN ACT to amend section five (5), of chapter one hundred a ty (140), of private and local laws of 1872, entitled, "An amend chapter four hundred and seventy-four (474), of the and local laws of 1866, entitled, 'An act to reduce the act in ating the city of Janesville, and the several acts amendatory of into one act, and amend the same."

The people of the state of Wisconsin, represent Senate and Assembly, do enact as follows.

Amended.

SECTION 1. Section five (5), of chapter one hu and forty (140), of private and local laws of 18 hereby amended so as to read as follows: "S vision five (5), of section one (1), of chapter fiv of said act as amended, is hereby amended so read as follows: Second. To annually levy an lect such amount as the board of education shall determined and certified in their opinion to be sary or proper to be raised under this subdivi not exceeding the amount of fifteen thousand do on all real and personal property in said city, to the expenses of repairing school houses, and of porting and maintaining schools, which shall co tute a part of the school fund."

Levy and collection of school tax.

Repealed.

SECTION 2. All acts and parts of acts contrave the provisions of this act are hereby repealed.

SECTION 3. This act shall take effect and be in from and after its passage and publication.

Approved March 2, 1875.

CHAPTER 138.

[*Published March* 11, 18

AN ACT to amend sections one (1) and three (3), of chap hundred and ninety-five (195), of the laws of 1874, entitle act to amend sections one (1) and three (3), of chapter tw dred and seventy-five (275), of the private and local laws o entitled, 'an act for the preservation of fish in Green Lake.'"

The people of the state of Wisconsin, represent Senate and Assembly, do enact as follows:

Amended.

SECTION 1. Section one (1), of chapter one

dred and ninety-five (195), laws of 1874, is hereby amended so as to read as follows: Section 1. No person or persons shall place, set, draw or use any seine, net, pound, gill-net, drag-net, out-line and hook or hooks, set-line and hook or hooks, spear or any other device, for taking, catching or killing fish in the waters of, or in any of the streams, creeks or rivulets emptying into the lakes known as Big Green and Little Green Lakes, in the county of Green Lake, nor in the outlet of Big Green Lake, above the dam in the village of Dartford. *Provided, however*, that nothing in this act shall prevent or prohibit in any manner the taking or catching fish by means of pole, line and hook, or line and hook in hand, used in Little Green Lake in the months of May, June, July, August, September and October, nor in Big Green Lake in the months of June, July, August, September, October, November, December and January. *Provided, further*, that nothing in this act shall prevent or prohibit in any manner the taking or catching white-fish and perch, with pole, line and hook, or line and hook in hand, used in Big Green Lake at any time; and any person who shall violate any of the foregoing provisions of this section shall, on conviction thereof, be subject to a fine for each and every such offense, of not less than five, nor more than twenty dollars, with costs of suit.

Unlawful to take fish.

SECTION 2. Section three (3), of chapter one hundred and ninety-five (195), laws of 1874, aforesaid, is hereby amended so as to read as follows: Section three (3). Any person or persons finding any seine, net, pound, gill-net, drag-net, spear, out-line, or set-line and hook, or any other device for taking, catching or killing fish in, on or upon any of the waters described, and in the time mentioned in section one of this act, is hereby authorized and empowered to take possession of the same, and without delay, deliver the same to the nearest justice of the peace, with a written statement duly sworn to, of the time and place of finding, and the ownership of the article or thing found, if known. The said justice of the peace shall cause the said article or thing to be sold at public auction or sale after giving twenty days' notice of the time and place of sale.

Amended.

Implements for taking fish to be taken and sold.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved March 2, 1875.

CHAPTER 139.

[*Published March* 8, 1875.]

AN ACT to amend section three (3) of chapter seventy-eight (78) of the general laws of 1867, entitled "an act for the preservation o game."

The people of the state of Wisconsin, represented in Senate and Assembly, do enact as follows:

Amended.

SECTION 1. Section three (3) of chapter seventy eight (78), of the general laws of 1867, entitled an act for the preservation of game, is hereby amended so as to read as follows: Section three. No person or persons shall kill or take by any device, means, or contrivance whatever, or sell or expose for sale, or worry or hunt the same with hounds or dogs, any deer, buck doe or fawn, between the fifteenth day of December and the fifteenth day of August. No person or corporation, railroad or express company or agent or employe thereof, shall have in his or their possession for the purpose of transportation or otherwise, any deer, buck, doe or fawn, between the said fifteenth day of December and fifteenth day of August, and every person or persons, corporation or company, and every agent or employe thereof, who shall violate the provisions of this act, upon conviction thereof shall be subject to a penalty of ten dollars, for each and every deer, buck, doe, and fawn, or skin or piece thereof, killed, taken, sold, exposed for sale or had in possession, contrary to the provisions of this act, together with the cost of prosecution.

Unlawful to kill deer or have same in possession at certain times.

Penalty for violation.

SECTION 2. All acts and parts of acts conflicting with the provisions of this act are hereby repealed.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved March 2, 1875.

CHAPTER 140.

[*Published March* 8, 1875.]

AN ACT to amend chapter twenty (20) of general laws of 1873, entitled "an act relating to appeal from justice's courts."

The people of the state of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. That section one (1) of chapter twenty (20) of the general laws of 1873, be amended by adding at the end of said section the following words; *Provided, however*, that the party obtaining a dismissal of such appeal shall recover costs against the appellant in the appellate court as on reversal or affirmance of a jndgment therein. Amended.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 2, 1875.

CHAPTER 141.

[*Published March* 9, 1875.]

AN ACT to amend section three (3), and to repeal sections five (5), six (6), and seven (7), of chapter ten (10), of the charter of the city of Menasha, relating to the fire department.

The people of the state of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section three (3), of chapter ten (10), of the charter of the city of Menasha, is amended so as to read seven years, instead of ten years. The fire department shall have power to elect five fire wardens, one of whom shall be chief, and before entering on their respective duties, they shall execute a bond to the city of Menasha in the penal sum of one hundred (100) dollars for each warden, with two good sureties, and shall perform such duties as the chief engineer and chief fire warden may prescribe, and they may, at any time, enter into any building, house, store, barn, manufactory, or other inclosure, for the purpose of inspecting the same. It shall be the duty of the fire-wardens to inspect all buildings twice each Amended. Fire wardens—their duties.

year, viz: The first week in November and May, report to the chief engineer and the common cou all buildings that are in an unsafe condition; and fire-wardens shall receive from the city of Mena compensation for inspecting buildings, not to ex in the whole the sum total of ten dollars.

Fire wardens to act as constables and sheriffs.

Each fire-warden shall take an oath of office same as any constable or sheriff, and at fires have full power to arrest all disorderly and intoxic persons, and to confine them temporarily in any place until the fire is extinguished, when such son or persons shall be brought before a justice o peace and fined not less than one dollar or more ten dollars for each offense, and in default of ment of judgment rendered, such person or per shall be committed to the city lock-up from one t days.

Penalty for refusal to obey officers.

When any person shall refuse to obey the la order of any engineer, fire-warden, foreman, city shal, or constable, at any fire, it shall be lawfu the officer giving such orders to arrest, or d orally the marshal, constable or any citizen to a such person, and to confine him temporarily in city lock-up until the fire is extinguished, whe shall be brought before a justice of the peace fined the sum of not less than one dollar or more ten dollars, and in default of payment of judgme rendered, shall be imprisoned in the city lock-u not less than one day or more than ten days. net proceeds of all fines and penalties recovered collected for the breach of any ordinance, by-la regulation made in pursuance of this chapter, be paid by the city treasurer to the fire departm The fire-warden shall act as a special police for city of Menasha until a sack company is organ and shall take charge of all goods and proper fires.

Fines to be paid to fire department.

Member of fire department may receive diploma.

Any member belonging to the fire department ing served the term of seven years, can receive diploma from the foreman of the company to w he belongs, signed by the chief engineer, and he still remain a member of the fire department, an ceive all the rights and benefits of an active mem by paying his regular dues and fines the same as other active member. The words in regard to age of members be stricken out of section three chapter ten (10), of the city charter of Menasha.

SECTION 2. This act shall take effect and be in force from and after its passage.

Approved March 2, 1875.

CHAPTER 142.

[*Published March* 8, 1875.]

AN ACT to amend section three, (3,) of chapter eighty-two, (82,) general laws of 1870, entitled, "an act relating to the preservation of the colors and flags of our late regiments."

The people of the state of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section three, (3), chapter eighty-two, (82), general laws of 1870, is hereby amended so as to read as follows: "The label shall be placed in a conspicuous place on the colors or flags, and shall state the number of the regiment, and also, briefly, the battles, sieges and campaigns, in which the regiment, battery or detachment was engaged. The colors or flags, when deposited in cases, as provided by this act, shall not be removed therefrom, except such removal may be required for their safety or better preservation.

Label to be placed in conspicuous place and state number of regiment &c.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 2, 1875.

CHAPTER 143.

[*Published March* 8, 1875.]

AN ACT to amend chapter four, of the general laws of 1871, entitled "an act concerning the terms of the circuit court of the twelfth judicial circuit."

The people of the state of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section one (1), of chapter four, of the general laws of 1871, is hereby amended so as to read as follows: From and after the first day of May,

Amended

1875, the terms of the circuit courts for the sev
Change of time for holding term of court. counties comprised in the twelfth judicial circui
this state, shall be held in each year as follows:
the county of Jefferson, on the first Monday of F
ruary, the second Tuesday of June and the
Monday of September; for the county of Green
the first Tuesday of March, the third Tuesday
June, and the first Tuesday of October; for the co
ty of Rock, on the fourth Monday of April,
fourth Monday in January, and the Wednesday
succeeding the first Monday of November.

No jury to be summoned. SECTION 2. Section three of said chapter is her
amended so as to read as follows: No jury shall
summoned for either of the terms of the cir
court herein appointed to be held in the month
January and June, but said court shall have po
at such terms to transact any business or do any
which may be lawfully transacted or done at a
eral term of the circuit court without the inter
tion of a jury.

SECTION 3. This act shall take effect and be
force from and after its passage.

Approved March 2, 1875.

CHAPTER 144.

[*Published March* 10, 187

AN ACT to amend chapter one hundred and eighty-four, of the
of 1874, entitled, "An act to revise, consolidate and amend
charter of the city of Milwaukee, approved February 20th,
and the several acts amendatory thereto."

*The people of the state of Wisconsin, represented
Senate and Assembly, do enact as follows:*

Amended. SECTION 1. Section three, of chapter two, of cha
one hundred and eighty-four, of the laws of 1874,
titled, "An act to revise, consolidate and amend
charter of the city of Milwaukee, approved Febru
20, 1852, and the several acts amendatory there
is hereby amended by adding to said section the
City treasurer not eligible to second term. lowing: The city treasurer shall not be eligible
that office for the two years next succeeding the
piration of his term.

Amended. SECTION 2. Section five of chapter two, of said ch

ter one hundred and eighty-four, is hereby amended by adding at the end of said section the following words: "And if less than six months of such term shall remain unexpired, the common council may, in their discretion, order a new election to fill such vacancy."

New election to be ordered.

SECTION 3. Section eight, of chapter two, of said chapter one hundred and eighty-four, is hereby amended so as to read as follows; Section 8. All elections by the people shall be by ballot, and a plurality of votes shall constitute an election. All persons entitled to vote for county or state officers, and who shall have resided in the city for one year next preceding the election, and for ten days in the ward where they offer to vote, shall be entitled to vote for any officer to be elected under this act, and to hold any office hereby created.

Elections to be by ballot.

SECTION 4. Section eleven, of chapter two, of said chapter one hundred and eighty-four, is hereby amended so that the oath to be administered by the inspectors shall read as follows: "You do solemnly swear (or affirm, as the case may be) that you are twenty-one years of age, that you are a citizen of the United State, (or have declared your intentions to become a citizen conformably to the laws of the United States on the subject of naturalization,) that you have resided within this city one year, and within this ward ten days next preceding this election; that you now reside within this election precinct, and that you have not voted at this election, and that you have made no bet or wager, and have not become directly or indirectly interested in any bet or wager, depending upon the result of this election."

Oath of elector.

SECTION 5. Section twelve, of chapter two, of said chapter one hundred and eighty-four, is hereby amended so as to read as follows: Section 12. As soon as the poll of the election shall be closed, the inspectors shall proceed immediately to canvass the votes given at such election, and continue without adjournment until completed. The canvass of votes shall be made publicly in the presence of any person desiring to attend the same, and when the number of votes for each candidate or person voted for shall be counted and ascertained, the said inspectors shall make returns thereof, stating therein the number of votes cast for each person, for each and every office; and shall deliver or cause to be delivered, such returns to the clerk of the common council, with the ballots cast at such election. Within one week after

Canvass of votes.

any election the common council shall meet and
vass said returns, and declare the result as it app
from the same, and the clerk shall forthwith
notice of his election to each officer elected.

Vacancies and special elections.

SECTION 6. Section thirteen (13), of chapter
(2), of said chapter one hundred and eighty-f
(184), is hereby amended so as to read as follows:
tion 13. In case of a tie vote or a failure in mak
an election of any officer, or in case of the dismi
of any officer, or when any officer elected or appoi
for the city shall remove his residence without
limits of the city, or when any officer elected or
pointed in and for any ward or division of the c
shall remove his residence without the limits of
ward or division, or when any such officer shall
fuse or neglect, for ten days after notice of his
tion or appointment, to qualify and enter upon
discharge of the duties of his office, the office
be deemed vacant; and whenever a vacancy shall
cur in such manner, or in any other manner, in
office to be filled by an election by the people, ex
in the office of mayor or alderman, the com
council shall order a special election upon a pu
notice of five days, to be given in like manner as
tice is given of the general municipal election,
the election of a person to fill such vacancy.
whenever the vacancy shall occur in any office t
filled by a vote of the common council, the same
ceedings shall be had for an election to fill such
cancy as are required for the election of any of
by the common council.

When council may order new elections.

SECTION 7. Section seventeen, of chapter two
said chapter one hundred and eighty-four, (184
hereby amended by adding at the end of said sec
the following words: And if less than six montl
such term shall remain unexpired, the common c
cil may, in their discretion, order a new electio
fill such vacancy.

Officers to subscribe oath and file bonds.

SECTION 8. Section one, of chapter three, of
chapter one hundred and forty-eight (148), is he
amended so as to read as follows: Section 1. E
person elected or appointed to any office under
act, shall, before he enters upon the duties of hi
fice, take and subscribe the oath of office prescr
in the constitution of this state, and file the s
duly certified by the officer administering the s
with the clerk of the city; and the treasurer, co
troller, clerk, constables, and such other officers a

common council may direct, shall each, before entering upon the duties of his office, execute to the city of Milwaukee a bond, with two or more sureties, the aggregate amount of whose property within this state, over and above all their respective debts, exemptions and liabilities, as shown by their affidavits attached to or endorsed on such bond, shall be at least double the sum named as the penalty in such bond; and said bonds shall respectively contain such penal sums and such conditions as the common council may deem proper, and shall be subject to the approval of said council. And the common council may from time to time require new or additional bonds, and remove from office any officer refusing or neglecting to give the same. All official bonds executed to the city of Milwaukee, except that of the city clerk, shall be filed with and safely preserved by the city clerk in his office, unless the common council shall otherwise direct. The bonds of all officers who may be charged with the collection or safe keeping, or with the disposition or disbursement of any of the funds of said city or may have any control over such funds at any time, shall be duly witnessed and acknowledged, and recorded in the office of the register of deeds of the county of Milwaukee. And the city clerk shall, immediately after the filing of any such bond in his office make and deliver a true copy thereof, duly certified by him under the corporate seal of the city, to the city comptroller, who shall preserve the same in his office. The said certified copy on file with the comptroller, or transcripts from the record of such bonds in the office of the register of deeds, duly certified by said register, shall be evidence of the due execution and contents of the bonds so recorded, in case of loss of originals. The bond of the city clerk shall be filed with the city comptroller.

Schedule of lots and lands to be made.

SECTION 9. Section fourteen, of chapter three, of said chapter one hundred and eighty-four, is hereby amended so as to read as follows: Section 14. He shall keep a list of all certificates issued against property in each ward, and at the last regular meeting of the common council in November, shall report to the council a schedule of all the lots or parcels of land within the several wards, which, under this act, may be subject to any special tax or assessment, and also the amount of such special tax or assessment which it may be necessary to levy on each such lot or parcel of land, with a full statement of the several acts done

and performed in reference to such special taxes o
assessments, which said schedule shall be verified b
the affidavit of the comptroller, and shall be prim
facie evidence of the facts therein stated in all case
wherein the validity of such special tax or assessmen
shall come in question. The common council shal
if from such report they shall deem such special ta
legal and just, cause the same to be levied in pursu
ance of the provisions of this act.

Repealed.

SECTION 10. Section fifteen, of chapter three, o
said chapter one hundred and eighty-four, is hereb
repealed.

Stated and special meetings of common council.

SECTION 11. Section two of chapter four, of sai
chapter one hundred and eighty-four, is hereby amen
ded so as to read as follows: Section 2. The commo
council shall hold stated meetings at such times an
places as they shall appoint; and the mayor or pres
dent of the board of aldermen may call special mee
ings thereof by notice of at least twenty-four hou
to each of the members, to be served personally or le
at his usual place of abode. Special meetings sha
also be called by the president at the written reque
of five aldermen. The common council shall dete
mine the rules for their own government and proceed
ings; *provided*, such rules are consistent with the pro
visions of this act. A majority of the members elec
ed shall be required to constitute a quorum for th
transaction of business, but a smaller number ma
adjourn; their sessions shall be open and public; thei
proceedings shall be recorded, and all their pape
and records, and all election returns shall be depo
ited with the clerk of the common council and th
same may be examined at any time in the presence o
the clerk; and each member of the common counc
shall have one vote, and no more, on any one questio
The ayes and noes may be required by any membe
and on all questions, ordinances or resolutions fo
assessing and levying taxes, or for the appropriatio
or disbursement of money, or creating any liabilit
or charge against said city or any fund thereof, th
vote shall be taken by ayes and noes; and every vo
by ayes and noes shall be entered at length upon th
journal. The common council shall be the judge o
the election and qualifications of its own member
and may punish its members or other persons presen
by fine, for disorderly behavior; may compel the at
tendance of its members upon its sessions, and em
ploy the police of said city for that purpose; and ma

CHAPTER 140.

[*Published March* 8, 1875.]

AN ACT to amend chapter twenty (20) of general laws of 1873, entitled "an act relating to appeal from justice's courts."

The people of the state of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. That section one (1) of chapter twenty (20) of the general laws of 1873, be amended by adding at the end of said section the following words; *Provided, however*, that the party obtaining a dismissal of such appeal shall recover costs against the appellant in the appellate court as on reversal or affirmance of a judgment therein. Amended.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 2, 1875.

CHAPTER 141.

[*Published March* 9, 1875.]

AN ACT to amend section three (3), and to repeal sections five (5), six (6), and seven (7), of chapter ten (10), of the charter of the city of Menasha, relating to the fire department.

The people of the state of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section three (3), of chapter ten (10), of the charter of the city of Menasha, is amended so as to read seven years, instead of ten years. The fire department shall have power to elect five fire wardens, one of whom shall be chief, and before entering on their respective duties, they shall execute a bond to the city of Menasha in the penal sum of one hundred (100) dollars for each warden, with two good sureties, and shall perform such duties as the chief engineer and chief fire warden may prescribe, and they may, at any time, enter into any building, house, store, barn, manufactory, or other inclosure, for the purpose of inspecting the same. It shall be the duty of the fire-wardens to inspect all buildings twice each Amended. Fire wardens—their duties.

year, viz: The first week in November and May, report to the chief engineer and the common cou all buildings that are in an unsafe condition; and s fire-wardens shall receive from the city of Mena compensation for inspecting buildings, not to ex in the whole the sum total of ten dollars.

Fire wardens to act as constables and sheriffs.

Each fire-warden shall take an oath of office same as any constable or sheriff, and at fires s have full power to arrest all disorderly and intoxic persons, and to confine them temporarily in any place until the fire is extinguished, when such son or persons shall be brought before a justice of peace and fined not less than one dollar or more ten dollars for each offense, and in default of ment of judgment rendered, such person or per shall be committed to the city lock-up from one to days.

Penalty for refusal to obey officers.

When any person shall refuse to obey the la order of any engineer, fire-warden, foreman, city shal, or constable, at any fire, it shall be lawful the officer giving such orders to arrest, or d orally the marshal, constable or any citizen to a such person, and to confine him temporarily in city lock-up until the fire is extinguished, whe shall be brought before a justice of the peace fined the sum of not less than one dollar or more ten dollars, and in default of payment of judgme rendered, shall be imprisoned in the city lock-u not less than one day or more than ten days. net proceeds of all fines and penalties recovered collected for the breach of any ordinance, by-la regulation made in pursuance of this chapter, s be paid by the city treasurer to the fire departm

Fines to be paid to fire department.

The fire-warden shall act as a special police for city of Menasha until a sack company is organ and shall take charge of all goods and propert fires.

Member of fire department may receive diploma.

Any member belonging to the fire department ing served the term of seven years, can receive diploma from the foreman of the company to w he belongs, signed by the chief engineer, and he still remain a member of the fire department, an ceive all the rights and benefits of an active me by paying his regular dues and fines the same as other active member. The words in regard to age of members be stricken out of section three chapter ten (10), of the city charter of Menasha.

SECTION 2. This act shall take effect and be in force from and after its passage.

Approved March 2, 1875.

CHAPTER 142.

[*Published March* 8, 1875.]

AN ACT to amend section three, (3,) of chapter eighty-two, (82,) general laws of 1870, entitled, "an act relating to the preservation of the colors and flags of our late regiments."

The people of the state of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section three, (3), chapter eighty-two, (82), general laws of 1870, is hereby amended so as to read as follows: "The label shall be placed in a conspicuous place on the colors or flags, and shall state the number of the regiment, and also, briefly, the battles, sieges and campaigns, in which the regiment, battery or detachment was engaged. The colors or flags, when deposited in cases, as provided by this act, shall not be removed therefrom, except such removal may be required for their safety or better preservation.

Label to be placed in conspicuous place and state number of regiment &c.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 2, 1875.

CHAPTER 143.

[*Published March* 8, 1875.]

AN ACT to amend chapter four, of the general laws of 1871, entitled "an act concerning the terms of the circuit court of the twelfth judicial circuit."

The people of the state of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section one (1), of chapter four, of the general laws of 1871, is hereby amended so as to read as follows: From and after the first day of May,

Amended

Clerk of court

as clerk of said court. The said clerk, when so ap pointed, shall, before entering upon his duties, tak and subscribe an oath to support the constitution o the United States, and of the state of Wisconsin, an faithfully to discharge the duties of his office, whic appointment and oath shall be filed in the office o the city clerk of the city of Madison, and a duplicat of the same in the office of the clerk of the circuit cou of Dane county. The duties of such clerk shall be t do and perform all [such] ministerial acts as shall b required of him by the judge of said court. He sha have power to administer oaths, take acknowledgment of bail and other instruments, and under the direc tion of the judge of said court, to take testimon and record the judgements, orders, and sentences o the said municipal court.

Amended.

SECTION 5. The said chapter 22, of the laws of A D. 1874, is hereby further amended by adding t the same the following sections which shall stan as sections 8, 9, 10, 11, 12, 13, 14, 15, 16, of sai chapter 22, of laws of A. D. 1874: Section 8. Al fines and penalties collected in criminal cases, i which the state is made a party, shall be paid in to the city treasury quarterly by said municipa judge, and shall be annually accounted for an paid over to the county treasurer at the time of ac counting for the state and county taxes. The count of Dane shall, at the same time, account to the cit of Madison for one-half of all the blanks, stationery record books, office furniture, lights, fuel, and othe necessary expenses for the municipal court, whic shall be furnished and paid for by said city of Madi son in the first instance. Section 9. The commo council of the city of Madison, by and with the con sent of the board of supervisors of Dane county may provide for the payment of a salary to the judg of the municipal court, in lieu of his fees, which sha not exceed the sum of three thousand dollars pe annum. And when so provided, one-half of the sun so agreed on shall be paid by the city of Madiso and the other half by the county of Dane. And i such case the same fees shall be taxed and collecte as before, and, when paid into said court, shall be re ported to the common council, by the judge thereo and applied to the payment of such salary. Sectio 10. The jurors in said municipal court shall receiv one dollar per day in criminal cases, and in civil case the same as heretofore allowed by law. Section 11

Fines and penalties to be paid into city treasury.

County of Dane to account for half of stationery &c.

Salary of judge.

The sheriff of Dane county shall execute the sentences of said municipal court, in case of conviction for offenses punishable in state prison, in the same manner and to the same extent as in cases of criminal conviction in the circuit court. Section 12. Appeals from justices of the peace of Dane county in criminaal cases may be made to the municipal court in the same manner as provided by law for appeals to the circuit court; or may be made to the circuit court, at the option of the party appealing. And said municipal court is hereby empowered to hear, try and determine the same; in like manner all examinations, recognizances and commitments from such justices, may run to, and be certified and returned to the municipal court, instead of the circuit court for Dane county, and in case the defendant or person held shall wish or consent to have his case tried and determined in said municipal court as provided by section one of this act. And it shall be the duty of all such justices, before whom such trials or examinations shall have been held, to transmit to the judge of the municipal court, all the papers in such cases, together with a certified copy of his docket, within thirty (30) days from the time of the trial or examination before such justice, and he, the said justice, shall fix the time when the party appealing or held on examination shall be required to appear before said municipal court, which time shall not be less than ten nor more than thirty days from the time of said trial or examination. On the receipt of such papers, the judge of the said municipal court shall cause the case to be duly entered in the court docket, and on the time fixed by the justice for the hearing thereof, the said municipal court shall proceed to hear, try and determine the same, unless the same is continued by said judge, or by the parties for cause. Appeals shall be tried before said municipal court in the same manner as appeals in the circuit court; in all examinations of criminal cases returned to said municipal court by justices on or before the time fixed for the hearing of the same by the municipal court, the district attorney of Dane county shall file his information in said municipal court, as in other cases originally brought in said court; *provided*, the accused shall consent to be tried in said court as herein provided. Section 13. The judge of said municipal court may, if he shall deem it best, hold terms of court for the trials of of-

Duty of sheriff

Of appeals.

Justices shall transmit papers.

District attorney of Dane county to file information.

Judge to fix terms of court.

1875, the terms of the circuit courts for the severa counties comprised in the twelfth judicial circuit o this state, shall be held in each year as follows: Fo the county of Jefferson, on the first Monday of Feb ruary, the second Tuesday of June and the firs Monday of September; for the county of Green, o the first Tuesday of March, the third Tuesday o June, and the first Tuesday of October; for the coun ty of Rock, on the fourth Monday of April, th fourth Monday in January, and the Wednesday nex succeeding the first Monday of November.

Change of time for holding term of court.

No jury to be summoned.

SECTION 2. Section three of said chapter is hereb amended so as to read as follows: No jury shall b summoned for either of the terms of the circui court herein appointed to be held in the months o January and June, but said court shall have powe at such terms to transact any business or do any ac which may be lawfully transacted or done at a general term of the circuit court without the intervention of a jury.

SECTION 3. This act shall take effect and be in force from and after its passage.

Approved March 2, 1875.

CHAPTER 144.

[*Published March* 10, 1875.]

AN ACT to amend chapter one hundred and eighty-four, of the law of 1874, entitled, "An act to revise, consolidate and amend the charter of the city of Milwaukee, approved February 20th, 1852, and the several acts amendatory thereto."

The people of the state of Wisconsin, represented in Senate and Assembly, do enact as follows:

Amended.

SECTION 1. Section three, of chapter two, of chapter one hundred and eighty-four, of the laws of 1874, entitled, "An act to revise, consolidate and amend the charter of the city of Milwaukee, approved February 20, 1852, and the several acts amendatory thereof," is hereby amended by adding to said section the following: The city treasurer shall not be eligible to that office for the two years next succeeding the expiration of his term.

City treasurer not eligible to second term.

Amended.

SECTION 2. Section five of chapter two, of said chap-

ter one hundred and eighty-four, is hereby amended by adding at the end of said section the following words: "And if less than six months of such term shall remain unexpired, the common council may, in their discretion, order a new election to fill such vacancy."

New election to be ordered.

SECTION 3. Section eight, of chapter two, of said chapter one hundred and eighty-four, is hereby amended so as to read as follows; Section 8. All elections by the people shall be by ballot, and a plurality of votes shall constitute an election. All persons entitled to vote for county or state officers, and who shall have resided in the city for one year next preceding the election, and for ten days in the ward where they offer to vote, shall be entitled to vote for any officer to be elected under this act, and to hold any office hereby created.

Elections to be by ballot.

SECTION 4. Section eleven, of chapter two, of said chapter one hundred and eighty-four, is hereby amended so that the oath to be administered by the inspectors shall read as follows: "You do solemnly swear (or affirm, as the case may be) that you are twenty-one years of age, that you are a citizen of the United State, (or have declared your intentions to become a citizen conformably to the laws of the United States on the subject of naturalization,) that you have resided within this city one year, and within this ward ten days next preceding this election; that you now reside within this election precinct, and that you have not voted at this election, and that you have made no bet or wager, and have not become directly or indirectly interested in any bet or wager, depending upon the result of this election."

Oath of elector.

SECTION 5. Section twelve, of chapter two, of said chapter one hundred and eighty-four, is hereby amended so as to read as follows: Section 12. As soon as the poll of the election shall be closed, the inspectors shall proceed immediately to canvass the votes given at such election, and continue without adjournment until completed. The canvass of votes shall be made publicly in the presence of any person desiring to attend the same, and when the number of votes for each candidate or person voted for shall be counted and ascertained, the said inspectors shall make returns thereof, stating therein the number of votes cast for each person, for each and every office; and shall deliver or cause to be delivered, such returns to the clerk of the common council, with the ballots cast at such election. Within one week after

Canvass of votes.

any election the common council shall meet and can-
vass said returns, and declare the result as it appear
from the same, and the clerk shall forthwith giv
notice of his election to each officer elected.

Vacancies and special elections.

SECTION 6. Section thirteen (13), of chapter tw
(2), of said chapter one hundred and eighty-four
(184), is hereby amended so as to read as follows: Sec
tion 13. In case of a tie vote or a failure in makin
an election of any officer, or in case of the dismissa
of any officer, or when any officer elected or appointe
for the city shall remove his residence without th
limits of the city, or when any officer elected or ap
pointed in and for any ward or division of the city
shall remove his residence without the limits of suc
ward or division, or when any such officer shall re
fuse or neglect, for ten days after notice of his elec
tion or appointment, to qualify and enter upon th
discharge of the duties of his office, the office sha
be deemed vacant; and whenever a vacancy shall oc
cur in such manner, or in any other manner, in an
office to be filled by an election by the people, excep
in the office of mayor or alderman, the commo
council shall order a special election upon a publi
notice of five days, to be given in like manner as no
tice is given of the general municipal election, fo
the election of a person to fill such vacancy. An
whenever the vacancy shall occur in any office to b
filled by a vote of the common council, the same pro
ceedings shall be had for an election to fill such va
cancy as are required for the election of any office
by the common council.

When council may order new elections.

SECTION 7. Section seventeen, of chapter two, o
said chapter one hundred and eighty-four, (184), i
hereby amended by adding at the end of said sectio
the following words: And if less than six months o
such term shall remain unexpired, the common coun
cil may, in their discretion, order a new election t
fill such vacancy.

Officers to subscribe oath and file bonds.

SECTION 8. Section one, of chapter three, of sai
chapter one hundred and forty-eight (148), is hereb
amended so as to read as follows: Section 1. Ever
person elected or appointed to any office under thi
act, shall, before he enters upon the duties of his o
fice, take and subscribe the oath of office prescribe
in the constitution of this state, and file the same
duly certified by the officer administering the same
with the clerk of the city; and the treasurer, comp
troller, clerk, constables, and such other officers as th

common council may direct, shall each, before entering upon the duties of his office, execute to the city of Milwaukee a bond, with two or more sureties, the aggregate amount of whose property within this state, over and above all their respective debts, exemptions and liabilities, as shown by their affidavits attached to or endorsed on such bond, shall be at least double the sum named as the penalty in such bond; and said bonds shall respectively contain such penal sums and such conditions as the common council may deem proper, and shall be subject to the approval of said council. And the common council may from time to time require new or additional bonds, and remove from office any officer refusing or neglecting to give the same. All official bonds executed to the city of Milwaukee, except that of the city clerk, shall be filed with and safely preserved by the city clerk in his office, unless the common council shall otherwise direct. The bonds of all officers who may be charged with the collection or safe keeping, or with the disposition or disbursement of any of the funds of said city or may have any control over such funds at any time, shall be duly witnessed and acknowledged, and recorded in the office of the register of deeds of the county of Milwaukee. And the city clerk shall, immediately after the filing of any such bond in his office make and deliver a true copy thereof, duly certified by him under the corporate seal of the city, to the city comptroller, who shall preserve the same in his office. The said certified copy on file with the comptroller, or transcripts from the record of such bonds in the office of the register of deeds, duly certified by said register, shall be evidence of the due execution and contents of the bonds so recorded, in case of loss of originals. The bond of the city clerk shall be filed with the city comptroller.

Schedule of lots and lands to be made.

SECTION 9. Section fourteen, of chapter three, of said chapter one hundred and eighty-four, is hereby amended so as to read as follows: Section 14. He shall keep a list of all certificates issued against property in each ward, and at the last regular meeting of the common council in November, shall report to the council a schedule of all the lots or parcels of land within the several wards, which, under this act, may be subject to any special tax or assessment, and also the amount of such special tax or assessment which it may be necessary to levy on each such lot or parcel of land, with a full statement of the several acts done

and performed in reference to such special taxes or assessments, which said schedule shall be verified by the affidavit of the comptroller, and shall be prima facie evidence of the facts therein stated in all cases wherein the validity of such special tax or assessment shall come in question. The common council shall, if from such report they shall deem such special tax legal and just, cause the same to be levied in pursuance of the provisions of this act.

Repealed.

SECTION 10. Section fifteen, of chapter three, of said chapter one hundred and eighty-four, is hereby repealed.

Stated and special meetings of common council.

SECTION 11. Section two of chapter four, of said chapter one hundred and eighty-four, is hereby amended so as to read as follows: Section 2. The common council shall hold stated meetings at such times and places as they shall appoint; and the mayor or president of the board of aldermen may call special meetings thereof by notice of at least twenty-four hours to each of the members, to be served personally or left at his usual place of abode. Special meetings shall also be called by the president at the written request of five aldermen. The common council shall determine the rules for their own government and proceedings; *provided*, such rules are consistent with the provisions of this act. A majority of the members elected shall be required to constitute a quorum for the transaction of business, but a smaller number may adjourn; their sessions shall be open and public; their proceedings shall be recorded, and all their papers and records, and all election returns shall be deposited with the clerk of the common council and the same may be examined at any time in the presence of the clerk; and each member of the common council shall have one vote, and no more, on any one question. The ayes and noes may be required by any member; and on all questions, ordinances or resolutions for assessing and levying taxes, or for the appropriation or disbursement of money, or creating any liability or charge against said city or any fund thereof, the vote shall be taken by ayes and noes; and every vote by ayes and noes shall be entered at length upon the journal. The common council shall be the judge of the election and qualifications of its own members, and may punish its members or other persons present, by fine, for disorderly behavior; may compel the attendance of its members upon its sessions, and employ the police of said city for that purpose; and may

fine or expel any member for neglecting his duty as such member, or for unnecessary absence from the sessions of the board. At all elections or confirmations by the common council, the vote shall be given viva voce, and shall be duly recorded by the clerk in the journal; and the concurrence of a majority of all the members elect shall be necessary to an election or confirmation.

Vote of council.

SECTION 12. Subdivision thirty of section three, of chapter four, of said chapter one hundred and eighty-four, is hereby amended so as to read as follows: 30. To control and regulate the streets, alleys and public grounds in said city, and provide for sprinkling the same, and to remove and abate any obstructions and encroachments therein.

Amended.

SECTION 13. Subdivision fifty-four, of section three, of chapter four, of said chapter one hundred and eighty-four is hereby amended by adding to said subdivision the following: Also to erect and construct, or cause to be erected and constructed, bridges over ravines within said city.

Amended.

SECTION 14. Section four, of chapter four, of said chapter one hundred and eighty-four, is hereby amended so as to read as follows: Section 4. All laws and ordinances shall be passed by an affirmative vote of a majority of the aldermen elect and shall be signed by the mayor and by the presiding officer of the council, and shall be published in the official papers of said city before the same shall be in force, and within fifteen days after such publication they shall be recorded by the city clerk in books to be provided for that purpose; but before any of the said laws or ordinances shall be so recorded, the publication thereof respectively, within the said time, shall be proved by the affidavit of the foreman or publisher of each of such newspapers, and said affidavits shall be recorded therewith, and at all times and in all courts and places shall be deemed and taken as sufficient evidence of the time and manner of such publication. No ordinance shall be passed, no appropriation shall be made, and no act, regulation, resolution or order which may create a debt or liability against said city, or a charge upon any fund thereof, shall be adopted without a vote in its favor of a majority of all the aldermen elect, which vote shall be taken by the ayes and noes, and entered among the proceedings of the council; and when the grade of any street shall have been established by ordinance and such street

Laws and ordinances—How to be passed.

shall have been actually made to conform to such established grade, under the direction of the proper authorities of said city, such grade shall not thereafter be changed without a vote of two-thirds of all the members elect of the common council, including the votes of all the members elect representing the ward or wards in which the change is proposed to be made, in favor thereof; the vote in every such case shall be taken by ayes and noes, and shall be entered upon the journal of the common council. All rules, regulations, resolutions and by-laws shall be passed by an affirmative vote of a majority of the aldermen elect, except when otherwise provided in this act.

Appropriation of money.

SECTION 15. Section five, of chapter four, of said chapter one hundred and eighty-four is hereby amended so as to read as follows: Section 5. All ordinances and all accounts and resolutions appropriating money or creating any charge against any of the funds of said city, shall be referred to appropriate committees, and shall only be acted [on] by the common council at a subsequent meeting—not held on the same day—on the report of the committee to which the same were referred; *provided, however* that when a committee shall report by resolution upon a matter referred to them by the common council, action upon such resolution may, in the discretion of the council, be taken without a further reference. Action upon any report of a committee made to the council shall be deferred to the next regular meeting of the same by request of one-fifth of the aldermen present.

Abatement of nuisances.

SECTION 16. Section eight of chapter four of said chapter one hundred and eighty-four is hereby amended so as to read as follows: Section 8. The powers conferred upon the said common council to provide for the abatement or removal of nuisances, shall not bar or hinder suits, prosecutions or proceedings in the courts, according to law. Depots, houses, or buildings of any kind, wherein more than twenty-five pounds of gun-powder are deposited, stored or kept at one time, gambling houses, houses of ill-fame, disorderly taverns, and houses or places where spirituous, vinous or fermented liquors are sold without license, within the limits of said city, are hereby declared and shall be deemed public or common nuisances.

Board of public works.

SECTION 17. Section one, of chapter five, of said

chapter one hundred and eighty-four, is hereby amended so as to read as follows: Section 1. There is hereby established for the city of Milwaukee an executive department, to be known as the board of public works, which shall consist of four persons styled commissioners of public works. The city engineer of said city shall be ex-officio one of said commissioners, and president of said board. The members of said board shall be appointed by the mayor of said city, with the approval of a majority of the members elect of the common council. The term of office of the city engineer and of the other commissioners shall be three years, and shall commence on the third Tuesday of April. Each of the present members of said board shall hold his office (unless sooner removed as provided by law), until the expiration of the term for which he was appointed, and annually hereafter a person shall be appointed for three years, as above provided, to succeed the member whose term of office shall then expire, and as often as vacancy shall occur in said board, whether by death, resignation, or otherwise, a person shall be appointed in the manner above provided, to succeed the person whose office shall so become vacant, for the remainder of his term. The members of said board except the city engineer, at the time of their appointment, shall respectively reside—one in that part of said city which lies east of the Milwaukee river, one in that part of said city which lies west of the Milwaukee and north of the Menomonee rivers, and one in that part of said city which lies south of the Menomonee and west of the Milwaukee rivers. The commissioners shall elect annually, from their own number, a secretary, who is hereby authorized to administer all oaths required by this act. The city engineer and the other commissioners of said board may be removed for incompetency by the mayor, with the approval of a majority of all the members elect of the common council.

City engineer—his duties.

SECTION 18. Section two, of chapter five, of said chapter one hundred and eighty-four, is hereby amended so as to read as follows: Section 2. The mayor shall on the third Tuesday of April, 1875, or within one week thereafter, and once in three years thereafter, appoint, subject to the approval of a majority of the members elect of the common council, some competent person as city engineer, who shall keep his office in some convenient place, to be desig-

1875, the terms of the circuit courts for the seve
Change of time for holding term of court. counties comprised in the twelfth judicial circuit this state, shall be held in each year as follows: F the county of Jefferson, on the first Monday of Fe ruary, the second Tuesday of June and the fi Monday of September; for the county of Green, the first Tuesday of March, the third Tuesday June, and the first Tuesday of October; for the cou ty of Rock, on the fourth Monday of April, t fourth Monday in January, and the Wednesday ne succeeding the first Monday of November.

No jury to be summoned. SECTION 2. Section three of said chapter is here amended so as to read as follows: No jury shall summoned for either of the terms of the circ court herein appointed to be held in the months January and June, but said court shall have pow at such terms to transact any business or do any which may be lawfully transacted or done at a ge eral term of the circuit court without the interve tion of a jury.

SECTION 3. This act shall take effect and be force from and after its passage.

Approved March 2, 1875.

CHAPTER 144.

[*Published March* 10, 1875.]

AN ACT to amend chapter one hundred and eighty-four, of the la of 1874, entitled, "An act to revise, consolidate and amend t charter of the city of Milwaukee, approved February 20th, 18 and the several acts amendatory thereto."

The people of the state of Wisconsin, represented Senate and Assembly, do enact as follows:

Amended. SECTION 1. Section three, of chapter two, of chapt one hundred and eighty-four, of the laws of 1874, e titled, "An act to revise, consolidate and amend t charter of the city of Milwaukee, approved Februa 20, 1852, and the several acts amendatory thereof is hereby amended by adding to said section the fo

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Amended. SECTION 2. Section five of chapter two, of said cha

ter one hundred and eighty-four, is hereby amended by adding at the end of said section the following words: "And if less than six months of such term shall remain unexpired, the common council may, in their discretion, order a new election to fill such vacancy."

New election to be ordered.

SECTION 3. Section eight, of chapter two, of said chapter one hundred and eighty-four, is hereby amended so as to read as follows; Section 8. All elections by the people shall be by ballot, and a plurality of votes shall constitute an election. All persons entitled to vote for county or state officers, and who shall have resided in the city for one year next preceding the election, and for ten days in the ward where they offer to vote, shall be entitled to vote for any officer to be elected under this act, and to hold any office hereby created.

Elections to be by ballot.

SECTION 4. Section eleven, of chapter two, of said chapter one hundred and eighty-four, is hereby amended so that the oath to be administered by the inspectors shall read as follows: "You do solemnly swear (or affirm, as the case may be) that you are twenty-one years of age, that you are a citizen of the United State, (or have declared your intentions to become a citizen conformably to the laws of the United States on the subject of naturalization,) that you have resided within this city one year, and within this ward ten days next preceding this election; that you now reside within this election precinct, and that you have not voted at this election, and that you have made no bet or wager, and have not become directly or indirectly interested in any bet or wager, depending upon the result of this election."

Oath of elector.

SECTION 5. Section twelve, of chapter two, of said chapter one hundred and eighty-four, is hereby amended so as to read as follows: Section 12. As soon as the poll of the election shall be closed, the inspectors shall proceed immediately to canvass the votes given at such election, and continue without adjournment until completed. The canvass of votes shall be made publicly in the presence of any person desiring to attend the same, and when the number of votes for each candidate or person voted for shall be counted and ascertained, the said inspectors shall make returns thereof, stating therein the number of votes cast for each person, for each and every office; and shall deliver or cause to be delivered, such returns to the clerk of the common council, with the ballots cast at such election. Within one week after

Canvass of votes.

any election the common council shall meet and ca vass said returns, and declare the result as it appea from the same, and the clerk shall forthwith gi notice of his election to each officer elected.

Vacancies and special elections.

SECTION 6. Section thirteen (13), of chapter tw (2), of said chapter one hundred and eighty-fou (184), is hereby amended so as to read as follows: Se tion 13. In case of a tie vote or a failure in makin an election of any officer, or in case of the dismiss of any officer, or when any officer elected or appoint for the city shall remove his residence without t limits of the city, or when any officer elected or a pointed in and for any ward or division of the cit shall remove his residence without the limits of su ward or division, or when any such officer shall r fuse or neglect, for ten days after notice of his ele tion or appointment, to qualify and enter upon t discharge of the duties of his office, the office sh be deemed vacant; and whenever a vacancy shall o cur in such manner, or in any other manner, in a office to be filled by an election by the people, exce in the office of mayor or alderman, the comm council shall order a special election upon a pub notice of five days, to be given in like manner as n tice is given of the general municipal election, f the election of a person to fill such vacancy. A whenever the vacancy shall occur in any office to filled by a vote of the common council, the same pr ceedings shall be had for an election to fill such v cancy as are required for the election of any offic by the common council.

When council may order new elections.

SECTION 7. Section seventeen, of chapter two, said chapter one hundred and eighty-four, (184), hereby amended by adding at the end of said secti the following words: And if less than six months such term shall remain unexpired, the common cou cil may, in their discretion, order a new election fill such vacancy.

Officers to subscribe oath and file bonds.

SECTION 8. Section one, of chapter three, of sa chapter one hundred and forty-eight (148), is herel amended so as to read as follows: Section 1. Eve person elected or appointed to any office under th act, shall, before he enters upon the duties of his o fice, take and subscribe the oath of office prescrib in the constitution of this state, and file the sam duly certified by the officer administering the sam with the clerk of the city; and the treasurer, com troller, clerk, constables, and such other officers as t

common council may direct, shall each, before entering upon the duties of his office, execute to the city of Milwaukee a bond, with two or more sureties, the aggregate amount of whose property within this state, over and above all their respective debts, exemptions and liabilities, as shown by their affidavits attached to or endorsed on such bond, shall be at least double the sum named as the penalty in such bond; and said bonds shall respectively contain such penal sums and such conditions as the common council may deem proper, and shall be subject to the approval of said council. And the common council may from time to time require new or additional bonds, and remove from office any officer refusing or neglecting to give the same. All official bonds executed to the city of Milwaukee, except that of the city clerk, shall be filed with and safely preserved by the city clerk in his office, unless the common council shall otherwise direct. The bonds of all officers who may be charged with the collection or safe keeping, or with the disposition or disbursement of any of the funds of said city or may have any control over such funds at any time, shall be duly witnessed and acknowledged, and recorded in the office of the register of deeds of the county of Milwaukee. And the city clerk shall, immediately after the filing of any such bond in his office make and deliver a true copy thereof, duly certified by him under the corporate seal of the city, to the city comptroller, who shall preserve the same in his office. The said certified copy on file with the comptroller, or transcripts from the record of such bonds in the office of the register of deeds, duly certified by said register, shall be evidence of the due execution and contents of the bonds so recorded, in case of loss of originals. The bond of the city clerk shall be filed with the city comptroller.

Schedule of lots and lands to be made.

SECTION 9. Section fourteen, of chapter three, of said chapter one hundred and eighty-four, is hereby amended so as to read as follows: Section 14. He shall keep a list of all certificates issued against property in each ward, and at the last regular meeting of the common council in November, shall report to the council a schedule of all the lots or parcels of land within the several wards, which, under this act, may be subject to any special tax or assessment, and also the amount of such special tax or assessment which it may be necessary to levy on each such lot or parcel of land, with a full statement of the several acts done

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if from such report they shall deem such special ta
legal and just, cause the same to be levied in pursu
ance of the provisions of this act.

Repealed.

SECTION 10. Section fifteen, of chapter three, o
said chapter one hundred and eighty-four, is hereb
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Stated and special meetings of common council.

SECTION 11. Section two of chapter four, of sai
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and records, and all election returns shall be depo
ited with the clerk of the common council and th
same may be examined at any time in the presence o
the clerk; and each member of the common counc
shall have one vote, and no more, on any one questio
The ayes and noes may be required by any membe
and on all questions, ordinances or resolutions fo
assessing and levying taxes, or for the appropriatio
or disbursement of money, or creating any liabilit
or charge against said city or any fund thereof, th
vote shall be taken by ayes and noes; and every vo
by ayes and noes shall be entered at length upon th
journal. The common council shall be the judge o
the election and qualifications of its own member
and may punish its members or other persons presen
by fine, for disorderly behavior; may compel the a
tendance of its members upon its sessions, and em
ploy the police of said city for that purpose; and ma

fine or expel any member for neglecting his duty as such member, or for unnecessary absence from the sessions of the board. At all elections or confirmations by the common council, the vote shall be given viva voce, and shall be duly recorded by the clerk in the journal; and the concurrence of a majority of all the members elect shall be necessary to an election or confirmation.

Vote of council.

SECTION 12. Subdivision thirty of section three, of chapter four, of said chapter one hundred and eighty-four, is hereby amended so as to read as follows: 30. To control and regulate the streets, alleys and public grounds in said city, and provide for sprinkling the same, and to remove and abate any obstructions and encroachments therein.

Amended.

SECTION 13. Subdivision fifty-four, of section three, of chapter four, of said chapter one hundred and eighty-four is hereby amended by adding to said subdivision the following: Also to erect and construct, or cause to be erected and constructed, bridges over ravines within said city.

Amended.

SECTION 14. Section four, of chapter four, of said chapter one hundred and eighty-four, is hereby amended so as to read as follows: Section 4. All laws and ordinances shall be passed by an affirmative vote of a majority of the aldermen elect and shall be signed by the mayor and by the presiding officer of the council, and shall be published in the official papers of said city before the same shall be in force, and within fifteen days after such publication they shall be recorded by the city clerk in books to be provided for that purpose; but before any of the said laws or ordinances shall be so recorded, the publication thereof respectively, within the said time, shall be proved by the affidavit of the foreman or publisher of each of such newspapers, and said affidavits shall be recorded therewith, and at all times and in all courts and places shall be deemed and taken as sufficient evidence of the time and manner of such publication. No ordinance shall be passed, no appropriation shall be made, and no act, regulation, resolution or order which may create a debt or liability against said city, or a charge upon any fund thereof, shall be adopted without a vote in its favor of a majority of all the aldermen elect, which vote shall be taken by the ayes and noes, and entered among the proceedings of the council; and when the grade of any street shall have been established by ordinance and such street

Laws and ordinances—How to be passed.

shall have been actually made to conform to such e tablished grade, under the direction of the prop authorities of said city, such grade shall not ther after be changed without a vote of two-thirds of a the members elect of the common council, inclu ing the votes of all the members elect representin the ward or wards in which the change is propose to be made, in favor thereof; the vote in every suc case shall be taken by ayes and noes, and shall b entered upon the journal of the common counci All rules, regulations, resolutions and by-laws sha be passed by an affirmative vote of a majority of th aldermen elect, except when otherwise provided i this act.

Appropriation of money.

SECTION 15. Section five, of chapter four, of sai chapter one hundred and eighty-four is hereby amend ed so as to read as follows: Section 5. All ord nances and all accounts and resolutions appropria ing money or creating any charge against any of th funds of said city, shall be referred to appropria committees, and shall only be acted [on] by the com mon council at a subsequent meeting—not held o the same day—on the report of the committee t which the same were referred; *provided, howeve* that when a committee shall report by resolutio upon a matter referred to them by the common coun cil, action upon such resolution may, in the discre tion of the council, be taken without a further refe ence. Action upon any report of a committee mad to the council shall be deferred to the next regula meeting of the same by request of one-fifth of th aldermen present.

Abatement of nuisances.

SECTION 16. Section eight of chapter four of sai chapter one hundred and eighty-four is hereby amend ed so as to read as follows: Section 8. The power conferred upon the said common council to provid for the abatement or removal of nuisances, shall no bar or hinder suits, prosecutions or proceedings i the courts, according to law. Depots, houses, o buildings of any kind, wherein more than twenty five pounds of gun-powder are deposited, stored o kept at one time, gambling houses, houses of ill-fame disorderly taverns, and houses or places where spi ituous, vinous or fermented liquors are sold withou license, within the limits of said city, are hereby de clared and shall be deemed public or common nu sances.

Board of public works.

SECTION 17. Section one, of chapter five, of sai

chapter one hundred and eighty-four, is hereby amended so as to read as follows: Section 1. There is hereby established for the city of Milwaukee an executive department, to be known as the board of public works, which shall consist of four persons styled commissioners of public works. The city engineer of said city shall be ex-officio one of said commissioners, and president of said board. The members of said board shall be appointed by the mayor of said city, with the approval of a majority of the members elect of the common council. The term of office of the city engineer and of the other commissioners shall be three years, and shall commence on the third Tuesday of April. Each of the present members of said board shall hold his office (unless sooner removed as provided by law), until the expiration of the term for which he was appointed, and annually hereafter a person shall be appointed for three years, as above provided, to succeed the member whose term of office shall then expire, and as often as vacancy shall occur in said board, whether by death, resignation, or otherwise, a person shall be appointed in the manner above provided, to succeed the person whose office shall so become vacant, for the remainder of his term. The members of said board except the city engineer, at the time of their appointment, shall respectively reside—one in that part of said city which lies east of the Milwaukee river, one in that part of said city which lies west of the Milwaukee and north of the Menomonee rivers, and one in that part of said city which lies south of the Menomonee and west of the Milwaukee rivers. The commissioners shall elect annually, from their own number, a secretary, who is hereby authorized to administer all oaths required by this act. The city engineer and the other commissioners of said board may be removed for incompetency by the mayor, with the approval of a majority of all the members elect of the common council.

City engineer—his duties.

SECTION 18. Section two, of chapter five, of said chapter one hundred and eighty-four, is hereby amended so as to read as follows: Section 2. The mayor shall on the third Tuesday of April, 1875, or within one week thereafter, and once in three years thereafter, appoint, subject to the approval of a majority of the members elect of the common council, some competent person as city engineer, who shall keep his office in some convenient place, to be desig-

nated by the common council, and it shall be l
special duty to superintend and to do or cause to
done, all the civil engineering required by the bos
of public works, in the management and prosecution
all the public improvements committed to their char
and all such other surveying as may be directed
said board, or by the common council. He shall
vote his whole time to the duties of his office as c
engineer and ex-officio commissioner and president
the board of public works, but he shall not be
quired to sign any contract, certificate or other
per to be executed or issued by said board of pub
works under this act. Said engineer shall poss
the same powers in making surveys and plats with
said city that are given by law to county surveyo
and the like validity and effect shall be given to
acts, and to all plats and surveys made by him,
are or may be given to the acts, plats and surveys
county surveyors. He shall keep a record of all
official acts and doings, shall keep on file a copy
all plats of the lots, and blocks and sewers embraced
the city limits, of profiles of streets, alleys and sewe
and of the grade thereof, and of all drafts and pla
relating to bridges and harbors, and to any pub
buildings belonging to the city of Milwaukee; a
shall keep a record of the location of bench mar
and permanent corner stakes from which subseque
surveys shall be started, all of which such recor
and documents shall be the property of the ci
open to the inspection of parties interested, and sh
be delivered over by said engineer at the expirati
of his term of service to his successor in office, or
the board of public works. He shall make an a
nual report of all the acts and doings of the en
neer's department to the board of public works
or before the first day of February in each ye
Said engineer shall appoint such assistants a
workmen as he may deem necessary in the dischar
of his duties, subject, however, to such regulatio
respecting the number of assistants and workmen
be appointed, and their compensation, as the co
mon council may prescribe by ordinance.

Shall make annual report.

SECTION 19. Section three, of chapter five, of sa
chapter one hundred and eighty-four, is here
amended so as to read as follows: Section 3. T
said board of public works are authorized to emplo
from time to time, such superintendents, clerl
agents, assistants and workmen as they m

Common council to employ superintendents, clerks, &c.

deem necessary in the discharge of their duties; and may adopt by-laws for the regulation and conduct of all persons in their employ or under their supervision, subject, however, to such regulations respecting the number of persons regularly or permanently employed and their compensation and duties, as the common council may prescribe by ordinance. Any person appointed or employed under the provisions of this or the next preceding section may at any time be removed or discharged for incompetency by the board of public works or by a majority of the members elect of the common council. The commissioner of public works appointed prior to the third Tuesday in April, 1874, and now in office, shall receive an annual salary of $2,250, and the commissioner appointed on the third Tuesday in April of 1874, shall continue to receive the annual salary fixed by the common council on the 6th day of May, 1874. The city engineer, who may be hereafter appointed, shall receive such a salary as may be fixed by the common council, not exceeding four thousand dollars per annum, and the other commissioners who may be hereafter appointed shall receive such a salary as may be fixed by the common council not exceeding three thousand dollars per annum, but the amount of such salary for the city engineer and for each of the other commissioners shall not be fixed until after his appointment shall have been confirmed by the common council.

Compensation of commissioners.

SECTION 20. Section eight, of chapter five of said chapter one hundred and eighty-four is hereby amended, so as to read as follows: Section 8. The said board of public works shall have the exclusive power to grant permits, subject to such regulations and restrictions as may be precribed by the ordinances of the city, for the moving of houses, along or across streets, alleys or walks, and to regulate the building of vaults under streets, alleys or sidewalks. No building material or other obstruction of any kind shall be placed on the streets, walks, or other public grounds of the city, without the written permit of said board. They shall have power, subject to such ordinances as may be lawfully passed by the common council, to regulate and control the manner of using streets, alleys or walks, for laying down gas or water pipes and sewers, and to determine the location and depth thereof, and to cause the prompt repair in such time and manner as they shall direct, of streets, alleys and

Board of public works to have exclusive power to grant permits for removing buildings, &c.

in furthering the financial and other interests of tl exhibition; to furnish information to the commissi on subjects that may be referred to the board; care for the interests of the state and of its citize in matters relating to the exhibition; to receive a pronounce upon applications for space; to apporti the space placed at its disposal among the exhibit from the state, and to supervise such other deta relating to the representation of citizens of Wisco sin in the exhibition as may from time to time delegated to it by the United States Centennial Co mission.

Shall elect one of its members president, and other officers.

SECTION 3. The Board of State Centenial Manage hereby created shall meet on the first Wednesday April, 1875, at the Capitol, in Madison, and organi by electing one of its members president of t board, and by the election of a secretary and su other officers, and by the adoption of such by-la and regulations for its government as may be deem necessary for the successful prosecution of the wo committed to its charge.

Members of board to receive no compensation except for actual expenses.

SECTION 4. The members of the Board of State Ce tennial Managers provided for in the first section this act, shall receive from the state no compensati for their services. The expenses necessarily incur in the discharge of the duties imposed on said Boa of State Centennial Managers in the transaction its business, procuring printing, etc., shall be paid the state, to an amount not exceeding two thousa dollars. No account shall be allowed and paid un an itemized bill shall be presented to the secretary state, and by him examined; and if in his estimati the expenditures charged for are just, reasonable a proper, he shall audit such account and draw his w rant upon the state treasurer for the payment of t same.

Appropriation.

SECTION 5. There is hereby appropriated out of a money in the state treasury, not otherwise approp ated, a sufficient sum to pay the drafts provided in the preceding section of this act; *provided, ho ever*, that the whole amount drawn under the p visions of this act shall not exceed two thousa dollars.

Amount not to exceed $2,000.

SECTION 6. This act shall take effect and be force from and after its passage and publication.

Approved March 3, 1875.

any person who shall previously have wilfully or negligently failed to complete any work or contract entered into by him with the city, or any officer or department thereof, and the failure to let such contract to the lowest bidder in compliance with any provision of this section shall not invalidate such contract or any special assessment thereunder or for the work done in virtue thereof.

Amended.

SECTION 23. Section one, of chapter six, of said chapter one hundred and eighty-four, is hereby amended, by striking out the words "cause to be executed and delivered," where the same occur in the thirty-second line of said section, and inserting in lieu thereof the words "execute and deliver."

Amended.

SECTION 24. Section two, of chapter six of said chapter one hundred and eighty-four, is hereby amended by striking out the words "provided, however, that no person shall be appointed a juror in more than one such case in the same year," in the twenty-fourth, twenty-fifth and twenty-sixth lines of said section.

Board to view premises to be taken and assess and award damages.

SECTION 25. Section seven, of chapter six, of said chapter one hundred and eighty-four, is hereby amended to read as follows: Section 7. The board of public works, within the time limited by the common council, shall view and examine the premises proposed to be taken, and all such other premises as will in their judgment be injured or benefitted thereby, and, after hearing such testimony as they may obtain, or as may be offered by any party interested, they shall proceed to make their assessment, and to determine and appraise the value of the real estate so proposed to be taken, and the injury arising to the owners thereof respectively in consequence of the taking thereof, taking into consideration the value of any building thereon less the value to the owner of such building to remove. The amount of said appraisal of real estate and injury to real estate and buildings, so determined, shall be awarded to such owners respectively as damages, after making due allowance therefrom for any benefit which such owners may respectively derive from such improvement.

Amended.

SECTION 26. Section fourteen, of chapter six, of said chapter one hundred and eighty-four, is hereby amended by adding to said section the following: And in case the appellant shall succeed, the difference between the amount assessed and the amount

finally adjudged shall be chargeable to and paid ou of the proper ward fund.

Lands to be taken for public purposes.

SECTION 27. Section twenty-four of chapter six, c said chapter one hundred and eighty-four, is hereb amended so as to read as follows: Section 24. A provisions of this act relating to the taking of lan by said city for public purposes shall apply to land required for the sites of public school buildings, en gine houses and other public city buildings, and fo the premises attached to such buildings, and for en larging the site of such buildings, except that th common council shall not order, and the board c public works shall not make an assessment of bene fits. nor shall the cost of such land, or the damag arising by reason of the taking of such lands, or an portion of such cost or damages be chargeable to o paid out of the ward fund of any ward, but any an all damages awarded to the owner by the board c public works, as confirmed by the common counci for any property condemned by said city for the pu poses mentioned in this section, shall be chargeabl to and payable out of the general city fund.

Opening of public streets and alleys.

SECTION 28. Section twenty-six of chapter six, c said chapter one hundred and eighty-four, is hereb amended so as to read as follows: Section 26. When ever the said common council, with the concurrenc of three-fourths of the members elected thereto, sha declare by their resolution that it is necessary for th public interest to open a public street or alley, or t take land for any public purpose authorized by thi act, the said common council shall have the power t open such public street or alley, or to take lan for such public purpose, as the case may be, withou any petition therefor, and to proceed thereafter i that behalf as in cases of petition therefor duly made and in such case no bond shall be required: *provided* that in cases of streets and alleys such resolution sha also be approved by a majority of the aldermen c the ward in which the land proposed to be taken ma be situated. The resolution provided for in this sec tion, shall declare why it is necessary for the publi interest to open such public street or alley, or to tak the land for such public purpose; and no such resolu tion shall be passed by the common council at the sam meeting in which it is first considered, but the sam shall lie over to a future meeting thereof. And th yeas and nays on the passage of such resolution sha

be taken, and duly entered in the journal of proceedings of the council.

Improvement of streets chargeable to lot owners.

SECTION 29. Section two of chapter seven, of said chapter one hundred and eighty-four, is hereby amended so as to read as follows: Section 2. The grading, graveling and planking, macadamizing or paving to the center of any street or alley, and the grading, graveling and macadamizing, planking or paving of any sidewalk, the paving of any gutter, and the construction of crosswalks where there is no intersection of streets, shall be chargeable to and payable by the lots fronting or abutting upon such street, alley, sidewalk or gutter, to the amount which such grading, graveling, macadamizing, planking or paving shall be adjuged by said board to benefit such lots. The expense of all such improvements or work across streets at their intersections with streets and alleys, and across public grounds, and to the middle of streets and alleys adjacent to public grounds, and the expense of maintaining, renewing, keeping in repair and cleaning all streets and the pavement or other surface thereof, and the repairing of the gutters, in all cases where such streets shall have been constructed to the grade established by the common council and graveled, planked, macadamized or paved as required by the common council, at the expense of the lots fronting or abutting on such streets, shall be paid out of the fund of the ward in which such improvements are made or such works are done, provided that when a street which has been graded, is ordered to be paved, planked or macadamized, the expense of such paving, planking or macadamizing shall be chargeable to and payable by the lots fronting or abutting upon said street, as hereinbefore provided for the first improvement of a street; and further provided, that when a change in the grade of any street shall be ordered, the expense of cutting or filling incurred by such change of grade shall be chargeable to and paid by special assessment on the lots or property fronting or abutting on the street of which the grade shall be so charged

Amended.

SECTION 30. Section six of chapter seven, of said chapter one hundred and eighty-four, is hereby amended by inserting after the word "ground" in the third line of said section the following: "or to erect and construct a bridge over any ravine in the sixth ward of said city," and also by stiiking out all after the word "city" in the twenty-third line of said sec-

tion, to and including the word "proceedings" in the thirty-fourth line thereof, and by inserting in lieu thereof the following: "Or unless, in the absence of such petition, the resolution of the common council ordering such works shall receive the votes of three fourths of the aldermen elected and of a majority of the aldermen of the ward in which such work is proposed to be done, and said resolution shall declare why it is necessary for the public interest to order such work. Every such resolution ordering work without a petition therefore shall lay over at least four weeks after its introduction, and no action upon the same shall be taken by the common council if within that time a remonstrance against such proposed improvement shall be presented to the common council signed by the residents of the city owing a majority of the feet in front of all the lots fronting upon such proposed improvement owned by residents of such city. The vote on the passage of every such resolution shall be taken by yeas and nays, and duly entered in the journal of proceedings.

Resolution ordering work without petition to lie over.

Amended.

SECTION 31. Section nine, of chapter seven, of said chapter one hundred and eighty-four, is hereby amended by inserting after the word "upon" in the twenty-fourth line of said section the words, "or annex the same to."

Duty and powers of board of public works to keep streets, &c., in repair.

SECTION 32. Section sixteen, of chapter seven, of the said chapter one hundred and eighty-four, is hereby amended so as to read as follows: Section 16. It is hereby made the imperative duty of the board of public works, unless otherwise provided by ordinance of the common council, to cause the streets, alleys and sidewalks in the city to be kept in proper repair and in a cleanly and wholesome condition at all times and for this purpose they are empowered to employ the necessary labor, or to contract pursuant to law, for such cleaning and repairing as they may deem necessary for the safety and health of the people; the expense of such cleaning and repairing, except of sidewalks, shall be chargeable to and paid out of the fund of the ward in which such work is done; and said board is also hereby empowered to cause sidewalks to be repaired, or to be taken up and relaid, with part new and part old materials of the kind previously laid down, and to assess the expense thereof against the lot or piece of land in front of which such work may be done, in the manner hereinafter provided: *provided, however*, that before causing such work or repair

ing, or relaying sidewalks as aforesaid, said board shall make an order particularly describing the work to be done, and shall give public notice for at least six days in the official papers, to all persons interested, that such repairs or relaying are necessary, and that specifications of the same are on file in their office where they can be examined, and that such person so interested can make such repairs, or relay such sidewalks at any time within twenty days from the first publication of such notice, after which time all such repairs, or relaying remaining undone will be done under the direction of the board of public works, and the expense thereof assessed against the lots or parts of lots or parcels of land respectively in front of which such repairs and relaying shall be so done by said board; and said board is hereby empowered to cause such unfinished work to be done by contract or by men in their employ; and no petition for any such repairing or relaying, and no further notice for doing such work shall be necessary: *provided*, that in all cases in which notice is required under this section, if the lots, parts of lots or parcels of land affected, have any building or buildings thereon, actually occupied, the board of public works shall cause written or printed notice, stating the repairs necessary and requiring such repairs to be made within ten days after the service thereof, to be given to the occupants of such buildings by leaving the same at each of such occupied buildings, and to the owner of the real estate affected, if known to said board and a resident of the city of Milwaukee, by leaving the same with such owner personally, or by mailing such notice, with the postage pre-paid to such owner; and only in case such repairs shall not be made within the said time by such occupants or owners, shall the said board of public works have power, in such cases to procure the same to be made as provided in this section, and no other or further notice or publication shall be required in such cases.

Notice of repairs to be given.

In case lands have buildings thereon.

SECTION 33. Chapter seven of said chapter one hundred and eighty-four, is hereby amended by adding the follow sections thereto: Section 22. Whenever a petition shall be presented to the common council, signed by a majority of the owners of lots or parcels of land, fronting or abutting on any street, or part of a street. actually residing on such lots, or parcels of land, and approved by a majority of the aldermen of the ward or wards in which such street or part of

Sprinkling of streets—How contract shall be let.

such street shall be located, requesting such street or part of such street to be sprinkled, the common council shall order the board of public works to advertise for sealed proposals for sprinkling such street or part of such street. Such advertisement shall be published for at least six days in the official city papers, and shall state the street or part of the street to be sprinkled and for what length of time. All contracts shall be awarded by said board to the lowest bidder in compliance with the provisions of section ten, of chapter five of this act, and shall be expressly subject to the powers given to said board by said chapter.

Cost of sprinkling to be assessed against adjoining lots.

Section 23. The board of public works shall assess against the several lots, parts of lots, or parcels of land fronting or abutting on such street, or part of such street, the cost of sprinkling such street or part of such street, in front of such lots, parts of such lots, or parcels of land. The cost of sprinkling such street, or part of such street at its intersection with streets and alleys and across public grounds, and to the middle of such street, adjacent to public grounds, shall be paid out of the fund of the ward in which such work is done.

Payment to be made in certificate against lots.

Section 24. The person to whom a contract is awarded for the sprinkling of a street shall receive in payment certificates against the lots or parts of lots for the amounts properly chargeable thereto, and shall be entitled to receive city orders for the balance due, if any, payable out of the fund of the proper ward, and it shall be the duty of the board of public works after the completion and performance of any contract for sprinkling, to issue such certificates on the request of the person entitled to receive them, and where any sum is found to be due a contractor, payable out of the ward fund of any ward, to certify the same to the common council, which shall direct an order to be drawn on the proper fund for the payment of the same. All certificates of special assessments for sprinkling of streets shall be made by the board of public works and signed by a majority of the board or by the president thereof and countersigned by the comptroller of said city, and delivered by the said board to the person entitled to receive the same, and shall be registered and collectable in the same manner, and shall have the same force and effect, and draw the same rate of interest

Certificates to be lien against property.

and shall be liens upon the lots or parcels of land against which the same shall respectively be chargeable, and may be transferred in like manner as cer

tificates of assessments for other work in said city, and the common council is hereby authorized to make all rules and regulations necessary and proper to carry out the provisions of sections twenty-two, twenty-three, and twenty-four of this chapter. Section 25. The common council shall have power to order by resolution, adopted by a vote of the majority of the members elect, and a majority of the aldermen of the proper ward, the planting and preserving of shade trees in the streets of the city, at the cost of the lots, parts of lots and parcels of land, fronting or abutting on such improvements, and in pursuance of such resolution the board of public works shall prepare plans and specifications and require such work to be done by the owners of property in front of which such work is to be done, and in default thereof to let the work by contract and assess the cost against such lots, parts of lots, and parcels of land and all the provisions of this act in relation to notices, proposals, contracts, payments and certificates for street improvements shall be applicable to the work provided for in this section, but no assessment of benefits and damages shall be made in such cases and no notices in relation thereto shall be published; *provided, however*, that no such resolution for the planting or preserving of shade trees in the streets of the city shall be passed by the common council unless a petition therefor shall first be presented to said common council signed by the residents of the city owning a majority of the feet in front of all the lots fronting upon such proposed improvement owned by residents of such city.

Power of council to order planting of shade trees.

Petition to be presented.

SECTION 34. Section thirteen of chapter eight of said chapter one hundred and eighty-four, is hereby amended by adding to said section the following: The tax to be levied under the provisions of this section may be added on the tax-roll to the general city tax assessed against such property.

SECTION 35. Section fifteen of chapter eight is herby amended so as to read as follows: Section 15. All contracts entered into by the board of public works under this chapter shall be approved as to form and execution by the city attorney, and before taking effect shall be signed by a majority of the board of public works, or by the president of said board, and countersigned by the comptroller, and all bonds taken by them shall be entered into in the name of, and shall be executed to the city of Milwaukee, and shall

Contracts to be approved by city attorney and signed by president of board.

be approved by the board. All contracts entered in under this chapter shall be expressly subject to tl powers given to said board by chapter five of this ac And in case any work shall be suspended in cons quence of the default of any contractor, or in ca the bids shall be deemed excessive, or the parti making proposals for any work shall not be deem responsible or proper parties to be entrusted with i performance, or shall have failed to complete ar contract within the meaning of section ten of sa chapter five, the said board shall proceed as provid in said chapter.

Construction of bridges.

SECTION 36. Section eight of chapter nine of sa chapter one hundred and eighty-four is hereby amen ed so as to read as follows: Section 8. The comm council of said city shall have power to constru swinging or stationery bridges across any of the rive or canals in the city, in addition to those mention and provided for in section seven of this chap whenever in their judgment public convenience m require the same; *provided*, that the same shall be constructed as not unnecessarily to impede the na gation of the river or canal over which the same m be constructed; *and provided further*, that the a resolution or ordinance for the constructon of a such bridge shall require for its passage or adoptior vote of two-thirds of all the members elect of t common council, and shall have no force or validi without such two-thirds vote.

Amended.

SECTION 37. Section one of chapter seventeen said chapter one hundred and eighty-four, is here amended by striking out in the twenty-fifth, twen sixth, twenty-seventh, twenty-eight and twen ninth lines, the following words: *Provided*, that t amounts or proceeds of all orders which shall be ceived in payment of taxes, shall be credited to t several and respective funds on account of which su orders were issued.

Annual levy for general city fund.

SECTION 38. Section two, of chapter seventeen, said chapter one hundred and eighty-four, is here amended so as to read as follows: Section 2. T common council of the said city shall have power levy annually for the general city fund—exclusive the amounts required for the support of schools, a for the payment of interest and principal on t funded debt of the city, and other special funds a thorized by law—a sum not exceeding seven mi on the dollar of the total assessed valuation of

property, real and personal, in said city, subject to taxation; also for contingent fund, a sum not exceeding one-half of one mill on the dollar of such assessed valuation; also for a fund for ward purposes in each ward, a further sum not exceeding six mills upon the dollar of the total assessed valuation of all property, real and personal, in such ward, subject to taxation; also for a sewerage fund in each sewerage district, a sum not exceeding two and one-half mills upon the dollar of the total assessed valuation of all property, real and personal, in such sewerage district, subject to taxation. The percentage which shall be levied in each ward for ward purposes shall in no case exceed the amount estimated and required by the comptroller and the board of public works.

For contingent fund.

For ward fund.

For sewerage fund.

SECTION 39. Section fourteen of chapter eighteen of said chapter one hundred and eighty-four, is hereby amended by striking out the word "joint" in the fifth line of said section.

Amended.

SECTION 40. Section fifteen, of chapter eighteen, of said chapter one hundred and eighty-four, is hereby amended by adding to said section the following: Such warrant shall be signed, and such tax-roll and warrant shall be delivered to the city treasurer on the second Monday of December in each year.

Amended.

SECTION 41. Section seventeen, of chapter eighteen, of said chapter one hundred and eighty-four, is hereby amended by adding to said section the following subdivision: 5. When the same personal property has been assessed the same year more than once in the city.

Amended.

SECTION 42. The number of the section immediately following section seventeen, of chapter eighteen of said chapter one hundred and eighty-four, is hereby changed from 23 to 18.

Number of section changed.

SECTION 43. Section one, of chapter nineteen, of said chapter one hundred and eighty-four, is hereby amended so as to read as follows: Section 1. No member of the common council shall hold any other office in the city. If any member of the common council shall, while a member, accept any other public office, except that of county supervisor or notary public, he shall be deemed to have vacated his office as a member of the common council.

Amended.

No member of council shall hold other public office.

SECTION 44. Section five, of chapter nineteen, of said chapter one hundred and eighty-four, is hereby amended so as to read as follows: Section 5. If any member of the common council, or other officer of

No member of council to be interested in contract with city.

of this state, and subject to the general laws established for county governments. Said county of Taylor is hereby attached to the seventh judicial circuit, and the terms of the circuit court therein shall be held on the fourth Monday of April and the second Monday of November of each year, the first term of said court to be held at the place herein designated, as the seat of justice, on the second Monday of November, 1875.

Judicial circuit.

Terms of courts fixed.

Governor to appoint officers

SECTION 3. That before the twenty-fifth day of March next, the governor shall appoint in and for said county of Taylor, county officers, except county board of supervisors heretofore provided for, who shall, on the twenty-fifth day of March, qualify and enter upon the duties of their several offices, and hold the same until the first day of January succeeding the next general election.

Seat of justice.

SECTION 4. The seat of justice for said county shall be, and is hereby located in the village of Medford, situate on section number twenty-seven (27), of township thirty-one (31), in range one (1) east, in said county of Taylor.

Town organization.

SECTION 5. The county hereby organized shall, for the time being, constitute one town for all town purposes, and shall be known by the name of the town of Medford, and under such name shall be entitled to all the rights and privileges given by existing laws to other towns in this state.

First election.

SECTION 6. The first election in said town shall be held at the store of Wheelen and Roberts in the villiage of Medford before mentioned, on the first Tuesday of April next, to choose such town and other officers as they are required by law to elect, and shall give ten days notice of the time and place of such election, by posting notices of the same in three of the most public places of the town, and the town board of said town so elected shall constitute for the time being the board of supervisors of said county. The county board of supervisors of said county shall at their first meeting after their election, or at an adjourned meeting, transact all business which may be necessary to perfect the organization of said county, and also make provision for a suitable place for the holding of the circuit court, and provide for petit jurors in said county, as required by law in other counties, so that a term of the circuit court for the county of Taylor can be properly and legally held at the November term thereof, 1875. They shall also

Board of supervisors to perfect organization and provide for holding court.

sioner, who shall be at the time of his appointment a resident freeholder in said city of Milwaukee. Such commissioner shall take and subscribe an oath of office and shall enter into a bond in the penal sum of five thousand dollars with at least two sureties, to be approved by the mayor, for the faithful performance of his official duties. The present tax commissioner shall remain in office until the expiration of three years from the first Monday of January, A. D. 1875, and the first appointment under this section shall then be made, and he shall, within ten days after this act shall take effect, give a new bond in the penal sum of five thousand dollars, with at least two sureties to be approved by the mayor, for the faithful performance of his official duties during the term aforesaid. Section two of said chapter eighteen of said chapter one hundred and eighty-four, of the laws of 1874, is hereby repealed.

SECTION 47. This act take effect and be in force from and after its passage and publication.

Approved March 3, 1875.

CHAPTER 145.

[*Published March* 9, 1875.]

AN ACT to amend section three (3), of chapter 456, private and local laws of 1870, entitled, "an act directing the county treasurer, clerk of the board of supervisors and sheriff of the county of Outagamie, to provide lists of lands to be sold for unpaid taxes and also to publish election notices in the Appleton Volksfreund."

The people of the state of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section one (1) of chapter four hundred and fifty-six (456), private and local laws of 1870, is hereby amended by striking out the words "is hereby directed to," where they occur in the third line of said section, and in place thereof insert the word "may;" also strike out the words "is directed to," where they occur after the words "clerk of the board of supervisors of said county," in said section and insert in the place thereof the word "may," so said section one (1), when so amended will read as follows: Section 1. The county treasur- Amended.

er of the county of Outagamie in addition to t
publication now required by law may cause to
published in like manner in the Appleton Voll
freund, a weekly newspaper printed in the Germ
language in said county, the annual lists of lands
be sold for the non-payment of taxes. The clerk
board of supervisors of said county may cause to
published in like manner in said Appleton Voll
freund in addition to the publication now requir
by law the annual lists of lands unredeemed fr
sale for non-payment of taxes.

List of lands may be published in Appleton Volksfreund.

Amended.

SECTION 2. Section three (3) of chapter four hu
dred and fifty-six (456), is hereby amended by stri
ing out the whole of said section three, and ins
the following in place thereof as section three, so
will read a follows: Section 3. The compensati
for the publication hereinbefore authorized sh
[be] at such rates as the county board of supervis
may determine, not to exceed one-half of the rates n
fixed by law for such publications; and the coun
board of supervisors is hereby directed to audit
counts for the same and issue orders upon the coun
treasurer for the payment thereof.

Compensation for publication.

SECTION 3. All acts and parts of acts contraveni
the provisions of this act are hereby repealed.

SECTION 4. This act shall take effect and be
force from and after its passage.

Approved March 3, 1875.

CHAPTER 146.

[*Published March* 8, 1875.

AN ACT to amend section one hundred and twenty-eight (128
chapter thirteen, of Revised Statutes of 1858, entitled, of coun
and county officers.

The people of the state of Wisconsin, represented
Senate and Assembly, do enact as follows:

Amended.

SECTION 1. Section one hundred and twenty-ei
(128), of chapter thirteen (13) of the Revised Statu
of 1858, is hereby amended by adding to section
hundred and twenty-eight (128), chapter thirteen (1
after the word voucher, in the tenth line of said s

tion, the word "money," so that it shall read as follows: The treasurer shall keep a just and true account of the receipts and expenditures of all moneys which shall come into his hands by virtue of his office, in a book or books to be kept by him for that purpose, which books shall be open at all times to the inspection of the county board of supervisors, or any member thereof, and to all the county and state officers; and at the annual meeting of said board of supervisors, and at such other times as they shall direct, he shall settle with them his accounts as treasurer; and for that purpose he shall exhibit [to] them all his books, accounts, and all vouchers to be audited and allowed, and shall exhibit to them all moneys in his custody or under his control as such treasurer, so that they may count the same.

Treasurer to keep account of receipts and expenditures.

His books to be open at all times to inspection of certain officers.

Moneys and vouchers to be exhibited.

SECTION 2. This act shall take effect from and after its passage and publication.

Approved March 3, 1875.

CHAPTER 147.

[*Published March* 8, 1875.]

AN ACT to amend chapter 26, of the private and local laws of the year 1867, entitled, "An act to incorporate the Cedar Creek Hydraulic Company."

The people of the state of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. The provisions of chapter twenty-six (26), of the private and local laws of the year 1867, are hereby extended, and made applicable to "Big Cedar lake," as well as to "Little Cedar lake," and to that portion of the Cedar Creek which runs from the big lake to the little lake.

Amended.

SECTION 2. This act shall take effect and be in force from and after its passage.

Approved March 3, 1875.

CHAPTER 181.

[*Published March 25, 1875.*]

AN ACT to amend sections 1 and 6, of chapter 87, of the laws of 1873, entitled, "an act granting to Albert Taylor, the right to establish and maintain a ferry across the Mississippi river from some point above the limits of the village of Alma, in Buffalo county, and the mouth of the Chippewa river, in Buffalo county, to the opposite shore in the state of Minnesota."

The people of the state of Wisconsin, represented in Senate and Assembly, do enact as follows:

Amended.

SECTION 1. That section one of chapter eighty-seven (87), of the acts of 1873, entitled, "an act granting to Albert Taylor the right to establish and maintain a ferry across the Mississippi river, from some point above the limits of the village of Alma, in Buffalo county, and the mouth of the Chippewa river, in Buffalo county, to the opposite shore in the state of Minnesota," be amended so as to read as follows:

Right to establish ferry.

"Section one (1.) That Albert Taylor, his associates, heirs and assigns, shall have the exclusive right to establish and maintain for the period of fifteen (15) years, a ferry or ferries across the Mississippi river, at any point or points above the limits of the village of Alma, in Buffalo county, and below the mouth of the Chippewa river, in said county of Buffalo, to the opposite shore in the state of Minnesota, together with the right to erect, keep and maintain a pontoon bridge or pontoon bridges at the point or points above named, across said Mississippi river, during the close of navigation thereon, in connection with said ferry.

Amended.

SECTION 2. That section six (6) of said chapter be amended by adding after the words "hire or pay," in the fourth line of said section, the words "or otherwise."

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved March 4, 1875.

CHAPTER 149.

[*Published March* 9, 1875.]

AN ACT to amend chapter one hundred and nineteen (119), of the general laws of 1874, entitled, "An act to amend chapter one hundred and twenty-seven (127), of the general laws of 1871, entitled, 'An act to fix the time of holding the terms of the circuit court in the fourth judicial circuit."

The people of the state of Wisconsin, represented in Senate and Assembly, do enact as follows:

Amended.

SECTION 1. Section one (1), of said chapter one hundred and nineteen (119), is hereby amended so as to read as follows: Section one (1), of said chapter one hundred and twenty-seven (127), is hereby amended so as to read as follows: In the county of Fond du Lac, on the first Monday of January, on the fourth Monday of April, and on the first Monday of October of each year. In the county of Sheboygan on the fourth Monday of May and on the fourth Monday of November of each year. In the county of Calumet on the second Monday of June and on the second Monday of November of each year. In the county of Manitowoc on the fourth Tuesday of June and on the second Tuesday of December of each year. In the county of Kewaunee on the first Monday of February and on the second Monday of July of each year.

Time fixed for holding terms of circuit court.

Writs, &c., to be held returnable at times above set.

SECTION 2. All writs, services, proceedings and recognizance heretofore issued, commenced, made or entered into in or from said court of said county of Manitowoc, and all proceedings pending therein, or returnable thereto, whether by recognizance or otherwise, shall be held and taken as returnable at the time mentioned in this act for holding the said terms of court in said county.

SECTION 3. All acts or parts of acts conflicting with the provisions of this act, are hereby repealed.

SECTION 4. This act shall take effect and be in force from and after its passage and publication.

Approved March 3, 1875.

CHAPTER 150.

[*Published March* 9, 1875.]

AN ACT to prevent and punish cruelty to animals.

The people of the State of Wisconsin, represented Senate and Assembly, do enact as follows:

Penalty for abuse of dumb animals.

SECTION 1. Every person who shall wilfully be strike, torture or cruelly use in any manner, any hor or other animal, either belonging to himself or other, shall be deemed guilty of a misdemeanor, a be punished by imprisonment in county jail not ceeding ten days, or by fine not exceeding fifty doll ($50) nor less than one dollar ($1), together with cost of prosecution.

SECTION 2. This act shall take effect and be force from and after its passage and publication.

Approved March 3, 1875.

CHAPTER 151.

[*Published March* 11, 1875

AN ACT in relation to the police justice's court, of the city of M itowoc, Wisconsin.

The people of the state of Wisconsin, represented Senate and Assembly, do enact as follows:

Police magistrate—his powers and duties.

SECTION 1. The board of aldermen of the city Manitowoc, are hereby authorized to designate appoint one of the justices of the peace of said to act as a police magistrate of said city; the just of the peace so designated and appointed shall h and possess concurrent jurisdiction with the po justice of said city in all matters and proceeding law which are now exclusively cognizable before police justice of said city; the city marshal and o police officers of said city may take any or all pris ers or offenders in his or their custody before the justice so designated and appointed, and the like p ceedings shall be had as is now prescribed by law the punishment of offenders by the police justice

SECTION 2. The justice designated under the provisions of this act shall hold his office until the first Tuesday of April, A. D. 1876, when the said term and power of the board of alderman to appoint under the provisions of this act shall expire by limitation. Term of office.

SECTION 3. This act shall be in force from and after its passage.

Approved March 3, 1875.

CHAPTER 152.

[*Published March* 9, 1875.]

AN ACT to provide for the laying out of a state road from the village of Pepin, in Pepin county, to Rock Elm Center, in Pierce county.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. Thomas Carmichael, of Pierce county, James Barry and John McCain, of Pepin county, are hereby appointed commissioners to lay out and establish a state road from the village of Pepin, in Pepin county, to Rock Elm Center, in Pierce county. Appointment of road commissioners.

SECTION 2. Said commissioners shall receive for laying out said road such compensation for their services, from the counties through which said road shall pass, as the supervisors of said county shall deem just and reasonable, but no money shall be paid out of the state treasury therefor. Compensation of same.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved March 3, 1875.

CHAPTER 153.

[*Published March* 9, 187

AN ACT authorizing A. D. Gray, and his associates, to keep maintain a ferry across Lake Pepin, from the village of P Wisconsin, to King's Cooley, Wabasha county, Minnesota.

The people of the state of Wisconsin, represente Senate and Assembly, do enact as follows:

Authority to establish ferry.

SECTION 1. A. D. Gray, his heirs, executors, ministrators and assigns, shall have the exclu right and privilege for the term of ten years f and after the passage of this act, of keeping maintaining a ferry across Lake Pepin, at and f the village of Pepin, in the county of Pepin, stat Wisconsin, to King's Cooley, opposite, in the cou of Wabasha, state of Minnesota.

Corporater required to keep and run boats.

SECTION 2. That said A. D. Gray, or assigns, sh within eighteen months after the passage of this place and maintain at the aforesaid place such g and sufficient boat or boats as may be necessar carry across said lake all teams, horses, cattle, other property, and for the accommodation of f passengers; *provided*, said ferry shall not be requi to run at night.

May land boats on public highways.

SECTION 3. The said corporation may land t boats, passengers and property on any public hi way which now does or may hereafter termi within two miles up and down the lake from the village of Pepin, or on the lands of any person persons owning the same, they having first procu the permission of such owners to do so.

Shall file bond for faithful performance of duty.

SECTION 4. The said A. D. Grey, or assigns, sh within the time specified in section two (2) of act, file or cause to be filed with the town clerk of town of Pepin, county of Pepin, a bond to the ple of the state of Wisconsin, in the penal sum one thousand dollars ($1,000) conditioned that t will fulfill all of the duties imposed upon them by act, and in case of their failure to do so they s forfeit all the benefits that might accrue to th from the passage of this act, and they shall be ther liable for all damages any person may sustain

reason of the neglect of the aforesaid corporators to fulfill any duties imposed upon them by this act.

SECTION 5. The rate charged for crossing at said ferry shall not exceed the following: For each foot passenger, twenty-five cents (25 cts.); for each horse or mule, with or without rider, fifty cents (50 cts.); for each two horse, mule, or ox team, loaded or unloaded, with or without driver, one dollar and fifty cents ($1.50); for each single horse, with buggy or carriage, with or without passengers, one dollar, ($1); for horses, mules, and cattle, driven or led, twenty-five cents (25 cts.) per head; for sheep and swine, ten cents (10 cts.) per head. Freight not in teams, when delivered on board, ten cents (10 cts.) per hundred pounds. Rates of toll.

SECTION 6. If any other person or persons, shall, after the establishment of the said ferry as aforesaid, set up, or keep, or maintain any ferry, or shall carry any person, or goods or chattels, for hire or pay, across Lake Pepin from any place on the north side or shore of said lake, within two miles of the village of Pepin aforesaid, every such person shall for every such offense forfeit and pay a sum not to exceed ten dollars ($10), to be recovered in an action before any justice of the peace in and for the county of Pepin, by and for the use of the said corporators or and person or persons entitled to the rights herein granted. Penalty for infringement of charter.

SECTION 7. This act shall take effect and be in force from and after its passage and publication.

Approved March 3, 1875.

CHAPTER 154.

AN ACT to appropriate to the County Agricultural Society of Manitowoc, a sum of money for the year 1874.

The people of the state of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. There is hereby appropriated to the Manitowoc County Agricultural Society, out of any money in the state treasury not otherwise appropriated, the sum of one hundred (100) dollars, for the year 1874. Appropriation.

SECTION 2. This act shall take effect and be in fo force from and after its passage.

Approved March 3, 1875.

CHAPTER 155.

AN ACT to appropriate to the St. Croix County Agricultural S ty the sum of one hundred (100) dollars.

The people of the state of Wisconsin, represented Senate and Assembly, do enact as follows:

Appropriation. SECTION 1. There is hereby appropriated out any money in the general fund not otherwise app ted, the sum of one hundred (100) dollars for benefit of the St. Croix County Agricultural Soci for the year 1874.

SECTION 2. This act shall take effect and be force from and after its passage.

Approved March 3, 1875.

CHAPTER 156.

[*Published March* 9, 1875

AN ACT to appropriate to H. L. Palmer a sum of money.

The people of the State of Wisconsin, represented Senate and Assembly, do enact as follows:

Appropriation. SECTION 1. There is herby appropriated to H. Palmer, from the general fund, out of any money heretofore appropriated, the sum of $861.54 for services as attorney in the case of the State vs. West Wisconsin Railway Company.

SECTION 2. This act shall be in force from and a its passage and publication.

Approved March 3, 1875.

CHAPTER 157.

[*Published March* 9, 1875.]

AN ACT to appropriate to L. S. Dixon a sum of money.

The people of the state of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. There is hereby appropriated to L. S. Dixon, from the general fund, out of any money not heretofore appropriated, the sum of five hundred and twenty-six and sixty-one hundredths dollars ($526.61), for his services as attorney in the case of the State vs. West Wisconsin Railway Company. Appropriation.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 3, 1875.

CHAPTER 158.

AN ACT to appropriate to St. Rose Orphan Asylum of Milwaukee, one thousand dollars.

The people of the state of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. There is hereby appropriated to the Saint Rose Orphan Asylum, of Milwaukee, for food and clothing for orphan children, the sum of one thousand dollars, out of any money in the treasury not otherwise appropriated. Appropriation.

SECTION 2. This act shall take effect and be in force from and after its passage.

Approved March 3, 1875.

trict unless some other provision is made by the board of education. He shall declare all votes taken on questions coming before the board; *provided*, that on all questions requiring appropriations of money or the adoption of new text books, the vote shall be taken by ayes and noes, and on any other question the ayes and noes shall be called when any member shall request it; *provided further*, that in the absence of the president, the board shall elect a president pro-tempore.

Regular and special meetings.

SECTION 5. The board of education shall have at least one regular meeting in each month, at such time and place as may be designated by them; and they may have special meetings at such other times as they may deem necessary, or when called together by the president; but no such special meeting shall be legal unless each member of the board shall have first been served with notice in writing of the time and place of such meeting.

Salary of superintendent.

SECTION 6. The city superintendent of schools shall receive an annual salary, to be paid quarterly, the amount of which shall be determined from year to year by the mayor and council.

Duties of board

SECTION 7. The duties of the board of education shall be as follows:

To elect superintendent.

1st. To elect, at their regular meeting in July, a city superintendent of schools; but if such election shall not then be had, the said superintendent shall be elected at some regular meeting thereafter.

To have general superintendence.

2d. To decide upon the number of teachers to be employed, the grade of school to be kept by each and the amount of salary to be paid each, and to hire and make contracts with teachers; and before any teacher shall enter upon his or her duties as such, he or she shall enter into a written contract, which contract shall be signed by such teacher and by said board of education, or by some member thereof designated for that purpose by resolution of said board. Such contract shall be made in duplicate, and one copy thereof filed with the secretary and the other copy delivered to the teacher.

To establish uniformity in school system.

3d. To arrange and determine terms and vacations in all public schools, to establish uniformity in the school system, and to require and secure uniformity in text-books, and to adopt and reject text-books at will.

To establish rules and regulations.

4th. To establish rules and regulations for schools not in conflict with the constitution or laws of this

CHAPTER 161.

AN ACT to appropriate to St. Joseph's Orphan Asylum, of Milwaukee, five hundred dollars.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. There is hereby appropriated to the St. Joseph's Orphan Asylum, of Milwaukee, for food and clothing for orphan children, the sum of five hundred dollars, out of any money in the treasury not otherwise appropriated. Appropriation.

SECTION 2. This act shall take effect and be in force from and after its passage.

Approved March 3, 1875.

CHAPTER 162.

[*Published March* 10, 1875.]

AN ACT to amend section 95, of chapter 18, of the Revised Statutes, entitled, "Of the assessment and collection of taxes."

The people of the state of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section 95, of chapter 18, of the Revised Statutes of 1858, is hereby so amended as to read as follows: Section 95. The town treasurer shall then make an affidavit, to be annexed to such statement, before the county treasurer, or before any officer authorized to administer oaths, that the facts set forth in said statement are correct, that the sums therein returned as unpaid taxes have not been paid, and that he has not, upon diligent inquiry, been able to discover any goods or chattels belonging to the persons charged with such unpaid taxes, whereon he could levy the same; which statement and affidavit shall be filed with the county treasurer; and he shall thereupon be credited by the county treasurer with the amount of taxes so returned as unpaid or doubly assessed, except the five per cent. collector's fee, and shall be allowed one dollar for making his return and six cents per mile travel fee, one way, in transmitting

Amended.

Town treasurer to make affidavit.

the same, to be allowed and paid to him by the cou
Penalty for neglect to make affidavit. treasurer in settlement. And any town treasurer w shall render his return as above required with duly making, annexing, subscribing and duly m ing oath to the affidavit above required, shall for s omission forfeit a penalty of one hundred dollars, be sued for and collected in the same manner other fines and forfeitures; and every county tre urer who shall receive such return, and credit amount of unpaid and doubly assessed to the to treasurer without first requiring such return to duly verified by affidavit, duly subscribed, sworn or affirmed, and certified as above required, shall
Penalty for neglect of county treasurer to require affidavit. each such omission forfeit a penalty of two hund dollars, to be sued for and collected in the same m ner as other fines and forfeitures, and neither s town or county treasurer shall be permitted to o such unverified statement in evidence in any set ment made by them with their respective boards supervisors or auditing officers, nor in any acti brought against them on their respective offi bonds, nor in any prosecution against them for e bezzlement.

SECTION 2. This act shall take effect and be in fo from and after its passage and publication.

Approved March 3, 1875.

CHAPTER 163.

[*Published March* 18, 1875

AN ACT to amend chapter four hundred and seventy-four, of private and local laws for the year 1871, entitled "an act to pro for two municipal courts in the city of Fond du Lac."

The people of the state of Wisconsin, represented Senate and Assembly, do enact as follows:

Amended. SECTION 1. Chapter four hundred and seventy-f of the private and local laws for the year 1871, e tled, an act to provide for two municipal court the city of Fond du Lac, is hereby so amended to provide for and establish one municipal cour judge in and for said city only.

Authority and jurisdiction of municipal court. SECTION 2. Said municipal court shall have same authority and jurisdiction between residents

said city who may be parties to actions of what kind or nature soever, as is now conferred upon and possessed by said municipal courts of said city under the laws of this state, and in addition thereto shall have the sole and exclusive jurisdiction to hear, try, determine and punish all and every person or persons who shall or may violate or offend against any ordinance of said city, when such violation or offense shall be committed within the limits of said city.

Judge holding the longest term to remain in office.

SECTION 3. There shall be no election in said city for a judge of said municipal court at the next annual charter election in said city, but the municipal judge who now holds and has been elected for the longest term shall continue, and he is hereby declared to be, the judge of the municipal court for and during the term for which he was elected and thereafter three [there] shall be elected every two years, at the annual or charter election, a judge of said court.

Books, records, &c., to be delivered to remaining judge.

SECTION 4. At the expiration of the term of office of Judge Edward Bissell, it shall be his duty immediately to transmit and deliver to Judge W. D. Conklin, the judge who now holds the office of judge of municipal court for said city, for the longest time, all papers, books and records in actions then pending before him, the said Edward Bissell, as such municipal court, or judge, to the said W. D. Conklin, the other and remaining judge, of one of said municipal courts, who shall thereupon have full power, authority and jurisdiction to hear, try, determine all actions then pending before said Bissell, as judge as aforesaid, in the same manner and with like force and effect as though said actions, or either or any of them, if any there be, had been commenced or originally brought in the municipal court, of which said Conklin is or was judge, and execution may issue upon any judgment in any such action in the same manner as though the action had been originally commenced or judgment rendered by said Conklin as judge of one of said municipal courts; the said W. D. Conklin as judge of the municipal court of said city, after the receipt of the papers, books and records aforesaid, is hereby authorized to issue an execution upon any judgement rendered by said Edward Bissell, as one of such judges in the same manner and with like force and effect as though the action had been originally heard, tried and determined by said W. D. Conklin as one of said judges, and the judgment had been rendered by him in his said official capacity.

Action pending to be tried by remaining judge.

CHAPTER 148.

[*Published March* 9, 187

AN ACT to amend chapter two hundred and forty-one (241) private and local laws of 1853, entitled, "An act to authori city of Sheboygan, and certain towns, to aid in the constructio certain plank road," approved April second, (2), 1853.

The people of the State of Wisconsin, represente Senate and Assembly, do enact as follows:

Amended.

Section 1. Chapter two hundred and forty-one (of the private and local laws of 1853, is he amended as follows: At the annual election for t officers in and for the town of Hermon, in the co of Sheboygan, the qualified electors of said town s annually elect an agent who shall have power to at all meetings of the stockholders of said plank company, in proportion to the amount of stock ow by said town of Hermon, and in all other respect act in the business of said company as individual st holders in the same may be authorized by law to said agent shall be elected in the same manner other town officers are annually elected, and no s agent shall be appointed by the board of supervi of said town.

Election of agent and powers of same.

Repealed.

SECTION 2. All acts or parts of acts contraver or conflicting with the provisions of this act hereby repealed.

SECTION 3. This act shall take effect and be force from and after its passage.

Approved March 3, 1875.

CHAPTER 149.

[*Published March* 9, 1875.]

AN ACT to amend chapter one hundred and nineteen (119), of the general laws of 1874, entitled, "An act to amend chapter one hundred and twenty-seven (127), of the general laws of 1871, entitled, 'An act to fix the time of holding the terms of the circuit court in the fourth judicial circuit.'"

The people of the state of Wisconsin, represented in Senate and Assembly, do enact as follows:

Amended.

SECTION 1. Section one (1), of said chapter one hundred and nineteen (119), is hereby amended so as to read as follows: Section one (1), of said chapter one hundred and twenty-seven (127), is hereby amended so as to read as follows: In the county of Fond du Lac, on the first Monday of January, on the fourth Monday of April, and on the first Monday of October of each year. In the county of Sheboygan on the fourth Monday of May and on the fourth Monday of November of each year. In the county of Calumet on the second Monday of June and on the second Monday of November of each year. In the county of Manitowoc on the fourth Tuesday of June and on the second Tuesday of December of each year. In the county of Kewaunee on the first Monday of February and on the second Monday of July of each year.

Time fixed for holding terms of circuit court.

SECTION 2. All writs, services, proceedings and recognizance heretofore issued, commenced, made or entered into in or from said court of said county of Manitowoc, and all proceedings pending therein, or returnable thereto, whether by recognizance or otherwise, shall be held and taken as returnable at the time mentioned in this act for holding the said terms of court in said county.

Writs, &c., to be held returnable at times above set.

SECTION 3. All acts or parts of acts conflicting with the provisions of this act, are hereby repealed.

SECTION 4. This act shall take effect and be in force from and after its passage and publication.

Approved March 3, 1875.

CHAPTER 190.

[*Published March* 11, 1875.]

AN ACT to amend chapter 137, of the general laws of 1871, entitled, "An act to provide for the trial of offenses upon information, and to make the general laws of the state applicable thereto.

The people of the state of Wisconsin, represented in Senate and Assembly, do enact as follows:

Amended.

Duty of district attorneys in criminal prosecutions.

SECTION 1. Section 16, of said chapter 137, is hereby amended so as to read as follows: It shall be the duty of the district attorney of the proper county to inquire into and make full examination of all facts and circumstances connected with any case of preliminary examination, as provided by law touching the commision of any offense whereon the offender shall have [been] or shall be committed to jail, or become recognized or held to bail, and to file an information setting forth the crime committed according to the facts ascertained on such examination and from the written testimony taken thereon, whether it be the same offense charged in the complaint on which the examination was had or not; but if the district attorney shall determine in any such case that an information ought not to be filed, he shall make, subscribe, and file with the clerk of the court a statement in writing, containing his reasons, in fact and in law, for not filing an information in such case; such statement shall be filed at and during the term of the court at which the offender shall be held for appearance: *provided*, that in such case the court may examine such statement, together with the evidence filed in the case, and if upon such examination the court shall not be satisfied with such statememt, the district attorney shall be directed by the court to file the proper information and bring the case to trial.

To file statement with clerk of court setting forth reasons for not filing information.

Conflicting acts repealed.

SECTION 2. All acts and parts of acts contravening the provisions of this act are hereby repealed.

SECTION 3. This act shall take effect and be in force from and after its passage.

Approved March 4, 1875.

CHAPTER 191.

[*Published March* 12, 1875.]

AN ACT to amend chapter four hundred and forty-six (446), of the private and local laws of 1868, entitled, "An act to incorporate the Wisconsin Railroad Farm Mortgage Land Company."

The people of the state of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section two, of chapter four hundred and forty-six (446), of the private and local laws of 1868, entitled, "An act to incorporate the Wisconsin Railroad Farm Mortgage Land Company," is hereby amended so that it shall read as follows: Section 2. The commissioners shall as soon as may be prepare or cause to be prepared an accurate duplicate list of all the names of the mortgagers to the said La Crosse and Milwaukee Railroad Company and the Milwaukee and Horicon Railroad Company, whose mortgages have been accepted and used by either of said railroad companies to aid in the construction of said railroads, one of which list they shall deposit in the office of the secretary of state, and the other to be kept with one of said commissioners; and in making such lists where it is known that the maker of any such mortgage is dead or has sold the mortgaged premises, subject to the mortgage, or has assigned his right to or interest in the stock to which he was entitled in such company, to any other person, or in case any other person has paid upon or settled such mortgage with the holder thereof, the said commissioners shall make an entry in all such cases in said lists, showing the names of the persons equitably entitled to such interest, with the amount actually paid for such interest, and in such lists shall express the amount actually expended in the payment or settlement of such mortgages respectively; or the amount actually due and unpaid thereon, and the name of the person or persons entitled to receive any sum or sums to be paid or distributed by said commissioners under this act. The said commissioners may make and adopt such rules and regulations in regard to making such lists, and the manner and kind of proof to be made by any person claiming an interest in any such mortgage to entitle the same to be placed on said list, and shall

Amended.

Duplicate list of names of mortgagers to be made.

In case mortgager is dead or has sold premises.

Public notice of meeting of commissioners to be given.

give public notice of where and when such commissioners will meet to prepare said lists, in such newspapers printed and published on the line of said railroad as in their judgment will cause the most general notice thereof to be obtained by said mortgagers. And the names of the persons contained in such lists, when fully made and corrected, shall constitute the persons who shall be entitled to receive the benefits under this act, and the sums to be applied and distributed by said commissioners; *provided, however*, that each and every such person shall pay to the said commissioners the sum of ten cents in cash for each one hundred dollars which he shall have paid upon the settlement or liquidation of any such mortgages, or the amount actually due and unpaid thereon, before his name shall be entered upon said list, and no person shall be entitled to any benefit or dividend under this act until such payment shall be made, nor unless he shall apply to said commissioners to have his name put upon the said list within three years from the passage of this act.

Fee to be paid to commissioners.

Persons failing to have their names placed upon list as provided by chap. 446, P. & L. L. 1868, may now have names put upon list.

Provided, further, that any person entitled to the benefits of the provisions of said chapter four hundred and forty-six (446), having failed to have his name put upon the list by making the application as required by the second section of said chapter four hundred and forty-six (446), may now have his name so put upon said list by making the application as in said section two, required, before the first day of October next; and such persons shall be paid by said commissioners on or before the first day of January next, or as soon thereafter as a sufficient fund is accumulated, the same dividend as has been previously paid to persons before entitled thereto; and thereafter be entitled to the same benefits under said act, as though their names had been put upon said list within the time first limited by said section two. *Provided, further*, That said commissioners shall each be allowed one dollar per day in addition to the compensation now allowed by law for service rendered hereafter in behalf of said company.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 4, 1875.

CHAPTER 192.

[*Published March* 11, 1875.]

AN ACT to authorize William Dunlap to keep and maintain a ferry across Lake Pepin, from the village of Stockholm, Wisconsin, to Lake City, Minnesota.

The people of the state of Wisconsin, represented in Senate and Assembly, do enact as follows:

Privilege to maintain ferry.

SECTION 1. William Dunlap, his heirs, executors, administrators and assigns, shall have the exclusive right and privilege for the term of fifteen years for keeping and maintaining a ferry across Lake Pepin, in and from the village of Stockholm, and for two miles above and three miles below said village plat, said land being in the towns of Stockholm and Pepin, county of Pepin, state of Wisconsin, to Lake City, Minnesota.

Shall place and maintain boats.

SECTION 2. William Dunlap or his assigns, shall within six months after the passage of this act, place and maintain such good and sufficient boat or boats, as may be necessary to carry across said lake all teams, horses, cattle and other property, and accommodation for foot passengers, and shall cross at least four times per day if weather and ice will permit, Sunday excepted.

May land boats on street or highway.

SECTION 3. The said William Dunlap may land his boat, passengers or other property, on any street or highway in the village of Stockholm, or on any land within the above named points, by first having owner's permit.

Rates of toll.

SECTION 4. The said William Dunlap, his assigns, may charge the following rates of tolls: For each foot passenger, fifteen (15) cents; for each horse, mule or ox, with or without rider, fifty (50) cents; for each team of horses, mules, or oxen, loaded or not, with or without driver, one dollar and fifty cents ($1.50); and for each additional horse, mule or ox, twenty-five (25) cents; and for each single horse and carriage, with or without passengers, one (1) dollar; for each swine and sheep, ten (10) cents; and all freight and merchandise not with teams, at the rate of forty (40) cents per hundred weight, when the same belonging to one person shall not exceed two hundred pounds, and any excess over two hundred pounds, at the rate of fifteen (15) cents per hundred pounds.

Shall file bond.

SECTION 5. William Dunlap or his assigns, shall within six months after the passage of this act file or cause to be filed with the county clerk of the board of supervisors, of the county of Pepin, state of Wisconsin, a bond to the said board with two or more securities in the penal sum on [of] one thousand (1,000) dollars, conditioned that he or his assigns will fulfill all the duties imposed on him by this act.

Penalty for infringement.

SECTION 6. Any person who shall in any manner convey any person, goods or chattels across said lake in any boat or boats from the shore of said lake within the limits herein mentioned to the opposite or Minnesota shore, for hire, shall forfeit and pay for each offense the sum of ten (10) dollars, to be collected and recovered by William Dunlap or his assigns, in any court of competent jurisdiction.

SECTION 12. This act shall take effect and be in force from and after its passage and publication.

Approved March 4, 1875.

CHAPTER 193.

AN ACT to authorize the governor, secretary of state and attorney general to audit and allow certain claims for attorneys' fees, and to appropriate an amount sufficient to pay the same.

The people of the state of Wisconsin, represented in Senate and Assembly, do enact as follows:

Governor, secretary of state, and attorney general to audit accounts of attorneys.

SECTION 1. The governor, secretary of state and attorney general are hereby authorized to examine into and allow to the attorneys having claims therefor, such an amount as they may deem just and reasonable for services and disbursements in prosecutions for violations of the Potter-law, (so called), before municipal and circuit courts, and justices of the peace; *provided*, that not more than fifteen dollars per day shall be allowed to an attorney while actually engaged in such prosecutions, and no such fees shall be allowed to any attorney not previously authorized and directed to conduct such prosecutions by the governor.

Appropriation.

SECTION 2. Upon the auditing of such accounts, the same shall be paid upon the certificates of the officers herein named, and there is hereby appropri-

ated out of any money in the state treasury not otherwise appropriated, a sufficient sum to pay the amount by them allowed.

SECTION 3. This act shall take effect and be in force from and after its passage.

Approved March 4, 1875.

CHAPTER 194.

[*Published March* 18, 1875.]

AN ACT to authorize the city of Appleton to issue its corporate bonds to be used in the construction of water works in said city.

The people of the state of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. The mayor and common council of the city of Appleton, are hereby authorized to issue corporate bonds of said city of Appleton with coupons attached thereto, to the amount of fifty thousand dollars ($50,000), the proceeds of which shall be applied in the construction of water works in the city of Appleton, and in carrying on and managing the same.

Authority to issue bonds.

SECTION 2. The said bonds shall draw seven per cent. interest payable annually on the first day of March in each year, and the principal shall become due and payable as follows: Five thousand dollars ($5,000) in fifteen years from the issue of the same, and three thousand dollars ($3,000) annually thereafter, until all of said bonds shall be paid and satisfied, and the common council of said city are hereby authorized, and it is made their duty to levy annually upon all of the taxable property of said city, a sufficient tax to pay the interest on the said bonds, and the principal of the same as fast as it matures.

Interest.

Principal—when payable.

SECTION 3. The said bonds shall be issued in denominations of not less than one hundred dollars ($100,) and not more than one thousand dollars ($1,000), and the said bonds shall have endorsed on the face of the same, "Water Construction Bonds," and the interest and principal of the same shall be made payable in the city of New York, at such place as the mayor and common council shall direct.

Denomination of bonds and where payable.

SECTION 4. The mayor and council are authorized

Waterworks to be under the management of mayor and common council.

to establish a general system of water works in the said city of Appleton, and the same to be under the direct management of the said mayor and common council until otherwise provided by law, and to adopt such rules and regulations for the management of the same as may be necessary for the purpose of carrying out the provisions of this act.

Sinking fund.

SECTION 5. The said mayor and common council may provide for a sinking fund from the collection of water rates, or in such other manner as they may determine, to meet the interest and principal on said bonds provided for in this act, and they are hereby authorized to establish a uniform system of water rates, and to provide for the collection of the same.

Bonds—how to be disposed of.

SECTION 6. The said bonds provided for in this act to be signed by the mayor of said city and countersigned by the clerk thereof, and to be disposed of as the common council shall direct.

SECTION 7. This act shall take effect and be in force from and after its passage and publication.

Approved March 4, 1875.

CHAPTER 195.

[*Published March* 11, 1875.]

AN ACT to authorize J. H. McCourt to maintain a dam on the south fork of the South Fork of Clam River, in Polk county.

The people of the state of Wisconsin, represented in Senate and Assembly, do enact as follows:

Authority to maintain dam.

SECTION 1. J. H. McCourt, his heirs and assigns, are hereby authorized to maintain and keep up a dam across the south fork of the South Fork of Clam River, at a point on the northwest quarter of the northeast quarter of section thirty-six (36), in township thirty-seven (37) north, of range sixteen (16) west, in Polk county; *provided*, that such dam shall not raise the water to exceed sixteen feet.

Corporator to build slides and to keep same open at certain times.

SECTION 2. The aforesaid person, his heirs and assigns, shall build suitable slides in said dam for running logs, timber and lumber over the same, and shall keep the same in repair. The same shall be kept open at all times when the river is in a driving stage and there are logs, timber or lumber to run

over said dam, and when it is not necessary to hold the water back for the purpose of driving or flooding logs, timber or lumber below the dam, for which purpose flood-gates shall be kept in repair and built in such manner as to be shut or opened as the case may require to flood the said logs, timber or lumber.

SECTION 3. The aforesaid person, his heirs or assigns, shall enjoy the privilege granted in this act for the term of fifteen years. **Term of grant.**

SECTION 4. When the aforesaid person, his heirs or assigns, shall have completed the said dam as aforesaid, they are hereby authorized and empowered to receive and collect from the owners of all logs, timber and lumber passing over such slides, or driven by the aid of such dam, as a compensation for keeping and maintaining such dam, the sum of ten cents per thousand feet, board measure, the amount to be ascertained by scale on the landings in the woods; and the aforesaid person, his heirs and assigns, shall have a lien upon all logs, timber and lumber run over said dam, or driven by the aid thereof, until the charges aforesaid shall be fully paid; *provided*, that the said McCourt shall at all times comply with the provisions of section two of this act. **Rates of toll.**

SECTION 5. The control of said dam, the slides and gates of the same, shall belong to the aforesaid Mc Court, his heirs and assigns, but subject always to the provisions of section two, of this act. **Control of dam.**

SECTION 6. Nothing in this act shall be so construed as to give the party aforesaid, his heirs or assigns, any right to shut down the gates of said dam during the months of July, August and September, in each year, but the said dam and gates thereof shall remain open during said months, and the waters of the said south fork of the South Fork of Clam River shall flow full and unobstructed through said dam during the months aforesaid. **Dam and gates to remain open at certain times**

SECTION 7. This act shall take effect and be in force from and after its passage and publication.

Approved March 4, 1875.

CHAPTER 196.

[*Published March* 11, 1875.]

AN ACT to authorize county boards of supervisors to make all needful orders, rules, regulations and enactments for the preservation of fish.

The people of the state of Wisconsin, represented in Senate and Assembly, do enact as follows:

County board to make regulation for preservation of fish.

SECTION 1. The county boards of supervisors of the several counties of this state, are hereby authorized and empowered at any regular or special meeting thereof, to make, establish and enact, all needful orders, rules, regulations and enactments, for the preservation of fish in their respective counties, and when so made, established and enacted, said orders, rules, regulations and enactments, shall have the same force and effect as laws of this state duly passed and published.

Regulations to specify time in which and means by which it shall be unlawful to take fish.

SECTION 2. Said orders, rules, regulations and enactments shall specify the month or months of the year in which it shall be unlawful for any person or persons, to kill, destroy, catch or take in any way or manner, any kind of fish, or any fish of a certain kind, in or from any, or certain specified waters of said counties; and shall prohibit the taking or catching of such fish in such waters, at any time, except in the manner and by the means specified in said orders, rules, regulations or enactments; and shall also contain a section embodying the provisions of section three of this act.

Penalty for violation.

SECTION 3. Any person offending against the provisions or any such orders, rules, regulation or enactment, when so made and established, shall be punished by a fine of not less than five dollars nor more than twenty dollars, for each and every offense, with costs of suit, and shall be imprisoned in the couty jail of the county in which the offense shall have been committed, until such fine and costs are fully paid, or until discharged by due course of law; one-half of such fine shall be paid to the complainant, and the remainder shall be disposed of the same as other fines.

Sections 21, 23 and 24, chap. 183, R. S. to apply.

SECTION 4. All the provisions of sections twenty-one (21), twenty-three (23) and twenty-four (24), of chapter one hundred and eighty three (183), of the

revised statutes of this state, shall apply to and be in force and effect in the construction and enforcement of said orders, rules, regulations and enactments.

Justices of the peace to have jurisdiction.

SECTION 5. Justices of the peace shall have jurisdiction to hear, try and determine all costs [cases] which may arise under the provisions of said orders, rules, regulations or enactments; *provided*, that the defendant shall not be deprived of a jury trial, nor the right of appeal as in other cases triable in justice's court.

SECTION 6. This act shall take effect and be in force from and after its passage and publication.

Approved March 4, 1875.

CHAPTER 197.

[*Published March* 11, 1875.]

AN ACT to authorize the county treasurer of Winnebago county to certify the amount of indebtedness of the several towns and cities in said county to the clerks thereof.

The people of the state of Wisconsin, represented in Senate and Assembly, do enact as follows:

County treasurer to certify indebtedness of town and cities.

SECTION 1. The county treasurer of Winnebago county, in this state, is hereby directed to certify to each clerk of the several towns and cities in said county the amount of indebtedness due, if any, from such towns and cities at the time of the annual meeting in November in each year, and that the same shall be a part of the county tax against such town or city for that year, and shall be levied and collected as other taxes.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 4, 1875.

CHAPTER 198.

[*Published March* 9, 1875.]

AN ACT to provide for certain improvements about the Capitol Park.

The people of the state of Wisconsin, represented in Senate and Assembly, do enact as follows:

Appropriation for improvements about capitol park.

SECTION 1. For the purpose of paying the expense of grading and macadamizing with broken stone to the center of the streets on each side of the Capitol Park, the sum of six thousand five hundred dollars ($6,500) is hereby appropriated, out of any money in the treasury not otherwise appropriated, which sum shall be paid out and expended by and under the direction of the park-commissioners, under and with the approval of the governor, and all work to be done under this act, shall, as far as practicable, be let to the lowest responsible bidder therefor; and the compensation therefor shall be paid upon the warrant of the secretary of state, after the account or accounts therefor shall have been allowed and approved by said park-commissioners; the residue of said sum, if any, shall go to and form a part of the fund for the improvement of the capitol park under the direction of the park-commissioners; *provided*, that the work on the part of the state shall progress no faster than the work performed by the city of Madison; *and provided*, that the sum appropriated by this act shall be raised from the tax of 1876.

How to be expended.

Proviso.

SECTION 2. This act shall take effect and be in force from and after its passage.

Approved March 4, 1875.

CHAPTER 199.

[*Published March* 11, 1875]

AN ACT to provide for the punishment of selling prize-packages containing money or other valuable things, and the selling of photographs in certain cases.

The people of the state of Wisconsin, represented in Senate and Assembly, do enact as follows:

Penalty for

SECTION 1. Any person selling or offering for sale

any package or packages, commonly known as prize-packages, at a price greatly in excess of the real value thereof, on the representation of the party so selling or offering for sale said packages, that said packages, or some of them, contain money, or jewelry, or other valuable thing, or a check or order for money, or jewelery, or other valuable thing, shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punished by a fine of not less than five dollars nor more than fifty dollars, or by imprisonment in the county jail not exceeding thirty days.

sale of prize packages.

SECTION 2. Any person selling or offering for sale any protograph or picture at a price greatly in excess of the real value thereof on the representation of the party so selling or offering for sale said photographs or pictures that there is a sum of money or other valuable thing named on the back of said photographs or pictures, or some of them, which will entitle the purchaser thereto, shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punished by a fine of not less than five dollars, nor more than fifty dollars, or by imprisonment in the county jail not exceeding thirty days.

Penalty for selling photographs at excessive prices.

SECTION 3. Justices of the peace and police justices shall have concurrent jurisdiction with the circuit court in all cases mentioned in the foregoing sections.

Justices of the peace and police justice to have concurrent jurisdiction.

SECTION 4. This act shall take effect and be in force from and after its passage and publication.

Approved March 4, 1875.

CHAPTER 200.

[*Published March* 12, 1875.]

AN ACT providing for the furnishing of property to the state institutions of this state, by the state prison.

The people of the state of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. The regents of the state university and normal schools, the trustees of the deaf and dumb, blind and reform schools, the trustees for the asylums for the insane, the superintendent of public property, the state officers, and the officers of all other institutions of this state, supported and maintained

State offices and institutions to be supplied with furniture, etc., by state prison.

by and at its expense, are hereby instructed, and required to obtain from the state prison of this state, at Waupun, all chairs, office, household and other furniture, buggies, carriages, wagons, sleighs, cutters and all other goods necessarily required for the use of any such university, school, asylum, state office or other institution, that shall, or can be made, or furnished by or at the said prison, giving to the prison officers the proper voucher therefor, and such prison officers are hereby required to furnish and cause to be made and delivered to and for such university, schools, asylums, offices or institutions, any such article or goods so required, that can be made or furnished by the said prison, and charge the same on its books, to the state, for and on account of the proper office or institution procuring the same, and take proper vouchers therefor.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 4, 1875.

CHAPTER 201.

[*Published March 12, 1875.*]

AN ACT to provide for taking a census or enumeration of the people of this state.

The people of the state of Wisconsin, represented in Senate and Assembly, do enact as follows:

Town clerks to take enumeration of inhabitants.

SECTION 1. The town clerks of the several towns in this state under the direction of the county clerks of their respective counties, are hereby authorized and required to take an enumeration of the inhabitants in their respective towns, omitting in such enumeration Indians not entitled to the right of suffrage under the constitution and laws of the state; and in case there shall be no organized town, or shall be no town clerk in any district composing the whole or a part of any county, then, and in every such case, the county clerk of the county to which any such district may be attached for judicial purposes, shall appoint one or more assistants, with power to perform the service required of town clerks by this act; and within the limits of any incorporated city or village

In case of no town organization.

not within the jurisdiction of the board of supervisors of the town or towns in which such city or village is located, the said services shall be performed by the clerk of the corporation; and such clerks are hereby authorized to appoint such assistants as they may find necessary, but no additional compensation shall be allowed by reason of the appointment of such assistants.

Clerks of corporations to take enumeration.

SECTION 2. The secretary of state shall prepare appropriate forms, distinguishing therein persons of each sex, deaf and dumb, blind, insane, and persons of color, and shall cause a sufficient number of copies thereof to be printed and transmitted to the several clerks of the boards of supervisors, on or before the first day of May next; and immediately thereafter each of said clerks shall forward the requisite number of such forms to the town clerks and assistants appointed by him, within his county, to enable them to take said census in a uniform manner.

Secretary of state to prepare forms and provide printed copies for use of town clerks.

SECTION 3. The town, city and village clerks and assistants shall severally take and subscribe an oath previously to entering upon the discharge of the duties imposed by this act, that they will well and truly cause to be made a just and perfect enumeration of all persons resident within their city, town or division, as the case may be, and a true return thereof make in pursuance of the provisions of this act, according to the best of their ability, which oath shall be returned with the census taken by each person, respectively, to the clerk of the board of supervisors of the county, on or before the first day of July next.

Clerks to take oath.

SECTION 4. The said enumeration shall be made by an actual inquiry, by the person taking such census, at every dwelling, or by personal inquiry of the head of every family in their respective cities, towns or districts, and shall commence on the first day of June next, and shall be completed and closed in one month thereafter, and said enumeration shall include only those whose places or residence shall be in said cities, towns or districts on the first day of June aforesaid; and the several clerks and assistants shall deliver to the clerk of the board of supervisors a true and accurate enumeration of all persons within their respective cities, towns and districts, which enumeration shall be set forth in schedule, according to the form prescribed by the secretary of state, designating the city, town or district, and shall embrace the several

How enumeration to be made.

Shall file bond.

SECTION 5. William Dunlap or his assigns, shall within six months after the passage of this act file or cause to be filed with the county clerk of the board of supervisors, of the county of Pepin, state of Wisconsin, a bond to the said board with two or more securities in the penal sum on [of] one thousand (1,000) dollars, conditioned that he or his assigns will fulfill all the duties imposed on him by this act.

Penalty for infringement.

SECTION 6. Any person who shall in any manner convey any person, goods or chattels across said lake in any boat or boats from the shore of said lake within the limits herein mentioned to the opposite or Minnesota shore, for hire, shall forfeit and pay for each offense the sum of ten (10) dollars, to be collected and recovered by William Dunlap or his assigns, in any court of competent jurisdiction.

SECTION 12. This act shall take effect and be in force from and after its passage and publication.

Approved March 4, 1875.

CHAPTER 193.

AN ACT to authorize the governor, secretary of state and attorney general to audit and allow certain claims for attorneys' fees, and to appropriate an amount sufficient to pay the same.

The people of the state of Wisconsin, represented in Senate and Assembly, do enact as follows:

Governor, secretary of state, and attorney general to audit accounts of attorneys.

SECTION 1. The governor, secretary of state and attorney general are hereby authorized to examine into and allow to the attorneys having claims therefor, such an amount as they may deem just and reasonable for services and disbursements in prosecutions for violations of the Potter-law, (so called), before municipal and circuit courts, and justices of the peace; *provided*, that not more than fifteen dollars per day shall be allowed to an attorney while actually engaged in such prosecutions, and no such fees shall be allowed to any attorney not previously authorized and directed to conduct such prosecutions by the governor.

Appropriation.

SECTION 2. Upon the auditing of such accounts, the same shall be paid upon the certificates of the officers herein named, and there is hereby appropri-

CHAPTER 202.

[*Published March* 10, 1875.]

AN ACT to provide for phonographic reporting in the municipal court of Milwaukee county.

The people of the state of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. It shall be lawful for the judge of the municipal court of Milwaukee county, to appoint one or more phonographic reporters for said court, who shall be sworn officers of said court, and shall be skilled in the art of phonographic reporting, one of whom shall attend upon said court when required by the judge to attend, and shall perform such duties as the court may require.

Phonographic reporters to be employed.

SECTION 2. The phonographic reporters shall be allowed ten dollars ($10) per day for attending upon the court while required by the judge to attend, which shall be certified and paid in like manner as is provided by law for the payment of reporters in the circuit court of said county for attending upon the court. *Provided*, that but one reporter shall be employed at the same time.

Compensation of same.

SECTION 3. In addition to the above compensation the phonographic reporters may charge and collect as fees, ten (10) cents per folio for making and furnishing transcripts of their short-hand notes, to be paid by the party requiring such transcript to be made; the judge of said court may, in his discretion, order such transcripts to be made and filed with the clerk of said court, and in such case the fees therefor shall be paid in like manner as the reporter's per diem compensation.

Additional compensation.

SECTION 4. All necessary stationery for the prosecution of the work shall be furnished said reporters in the some manner as the court is furnished.

Stationery—how furnished.

SECTION 5. This act shall take effect and be in force from and after its passage.

Approved March 4, 1875.

CHAPTER 203.

[*Published March* 17, 1875.]

AN ACT to provide for the revision of the statutes.

The people of the state of Wisconsin, represented in Senate and Assembly, do enact as follows:

Revisers to be appointed by justice of supreme court.

SECTION 1. The justices of the supreme court are hereby authorized to appoint three competent persons to collect and revise the general laws of this state, for the purpose of preparing a new edition of such laws for publication.

Work to be reported to legislature.

SECTION 2. The revisers appointed in pursuance of section one of this act, shall enter upon their work as soon as practicable, and when the whole work shall have been completed, the said revisers shall report the same to the next succeeding legislature.

Compensation of revisers.

SECTION 3. The revisers before mentioned shall receive such compensation for their services and such allowances for clerk-hire as the justices of the supreme court shall deem just and reasonable, to be audited by the secretary of state upon the written allowance of such justices, and paid out of the state treasury out of any moneys belonging to the general fund not otherwise appropriated.

In case reviser becomes incapacitated.

SECTION 4. In case any of the revisers become incapacitated by reason of sickness or other cause to perform their duties under this act, the justices of the supreme court are hereby authorized to appoint a suitable person to take the place of the person so incapacitated.

Printing.

SECTION 5. It shall be the duty of the state printer to do any and all printing for said revisers which may necessarily be required by them in the performance of their duties, but all orders for such printing shall be first approved by the justices of the supreme court.

SECTION 6. This act shall take effect and be in force from and after its passage and publication.

Approved March 4, 1875.

CHAPTER 204.

[*Published March* 10, 1875.]

AN ACT in relation to the police department of the city of Milwaukee.

The people of the state of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. The authority of the police department of the city of Milwaukee, is hereby extended so as to embrace the county of Milwaukee, and policemen of said city shall have the like authority to make arrests and serve process within the county of Milwaukee as are now possessed by them within the city of Milwaukee.

Authority of police department extended.

SECTION 2. In order to facilitate the transactions of business and performance of duty by policemen in the county of Milwaukee, beyond the limits of the city of Milwaukee, the county board of supervisors of the county of Milwaukee may suply the police department of the city of Milwaukee with sufficient authority and conveyance to travel through the county of Milwaukee.

Board of supervisors of Milwaukee county to provide authority and conveyance.

SECTION 4. This act shall take effect and be in force from and after its passage and publication.

Approved March 4, 1875.

CHAPTER 205.

[*Published March* 11, 1875.]

AN ACT in relation to the service of summons or process on foreign insurance companies.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. Any and all summons or process in any action or proceeding in any court, or hereafter to be begun or had in any court in this state, against any insurance company doing business in this state but not incorporated by or under the laws of this state, may be served on any agent or agents of any such

Process may be served on agent.

insurance company in this state, and any and every such service shall be deemed a valid personal service upon any such insurance company.

Definition of term "agent."

SECTION 2. The term agent or agents used in the foregoing section shall include an agent, surveyor, broker or any person who shall receive any application or make any contract for insurance, or collect or receive any premium or deliver any policy.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved March 4, 1875.

CHAPTER 206.

[*Published March* 11, 1875]

AN ACT relative to the disposition and expenditure of license money in the village of Young America, in the town of Barton, county of Washington.

The people of the state of Wisconsin, represented in Senate and Assembly, do enact as follows:

License money to be expended on sidewalks.

SECTION 1. All moneys derived since the first day of April, A. D. 1874, or hereafter to be derived from licensing the sale of strong, spiritnons, ardent or intoxicating liquors, in the village of Young America in the town of Barton, and county of Washington, shall be applied and expended under the direction of the town board of supervisors of said town, in the making and building and construction of side-walks in said village of Young America, in said town of Barton.

SECTION 2. This act is hereby declared to be a public act, and shall take effect and be in force from and after its passage and publication.

Approved March 4, 1875.

CHAPTER 207.

[*Published March* 11, 1875.]

AN ACT relating to side-tracks to railroads in certain cases.

The people of the state of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. Whenever any town, by a majority of its electors voting thereon, shall, in its corporate capacity, refuse to aid any railroad company in building a depot in such town, it shall be lawful for any person who shall build a warehouse in such town for the purpose of doing a storage, forwarding and commission business, to construct from his warehouse, a railroad track and connect the same by switch at his own expense, and it shall be the duty of such railroad company to permit and allow such construction. Such side track and switch shall at all times be under the control and management of and kept in repair by such railroad company. *Provided*, that the party for whose benefit such side track and switch shall be constructed, shall pay to such railroad company the actual cost of maintaining and operating such side track and switch, which payment shall be made monthly; and in case such payment shall not be made as above provided, then and in that case the obligations of this section upon such railroad company shall from and thereafter cease and be inoperative as against it, until such costs and expenses are fully paid; *provided further*, that no such side track shall be built within four miles of a station on such railroad.

Lawful for persons to construct side tracks when town has refused to aid railroad.

Party benefitted to pay railroad cost of maintaining.

Proviso.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 4, 1875.

CHAPTER 198.

[*Published March* 9, 1875.]

AN ACT to provide for certain improvements about the Capitol Park.

The people of the state of Wisconsin, represented in Senate and Assembly, do enact as follows:

Appropriation for improvements about capitol park.

SECTION 1. For the purpose of paying the expense of grading and macadamizing with broken stone to the center of the streets on each side of the Capitol Park, the sum of six thousand five hundred dollars ($6,500) is hereby appropriated, out of any money in the treasury not otherwise appropriated, which sum shall be paid out and expended by and under the direction of the park-commissioners, under and with the approval of the governor, and all work to be done under this act, shall, as far as practicable, be let to the lowest responsible bidder therefor; and the compensation therefor shall be paid upon the warrant of the secretary of state, after the account or accounts therefor shall have been allowed and approved by said park-commissioners; the residue of said sum, if any, shall go to and form a part of the fund for the improvement of the capitol park under the direction of the park-commissioners; *provided*, that the work on the part of the state shall progress no faster than the work performed by the city of Madison; *and provided*, that the sum appropriated by this act shall be raised from the tax of 1876.

How to be expended.

Proviso.

SECTION 2. This act shall take effect and be in force from and after its passage.

Approved March 4, 1875.

CHAPTER 199.

[*Published March* 11, 1875]

AN ACT to provide for the punishment of selling prize-packages containing money or other valuable things, and the selling of photographs in certain cases.

The people of the state of Wisconsin, represented in Senate and Assembly, do enact as follows:

Penalty for

SECTION 1. Any person selling or offering for sale

fore issued and now outstanding, and not provided for in the tax-levy for the year 1874.

SECTION 2. All bonds issued under this act shall be numbered consecutively, from one upwards, in the order in which they shall issue; each and every bond so to be issued shall show on its face for what purpose the same was issued.

Bonds to be numbered and to show for what purpose issued.

SECTION 3. All bonds issued under this act shall be signed by the mayor and countersigned by the clerk of said city, and shall be sealed with the corporate seal and made payable in the city of New York, and shall be due and payable at a not longer time than five years from the date thereof; each bond shall be for the sum of five hundred dollars ($500), with interest at a rate of not more than eight per cent., payable semi-annually, and no bond or bonds shall be used or exchanged for any outstanding bond at a less rate than par.

How issued.

Denomination and interest.

SECTION 4. This act shall take effect and be in force from and after its passage and publication.

Approved March 4, 1875.

CHAPTER 210.

[*Published March* 19, 1875.]

AN ACT to protect persons engaged in the business of breeding and rearing furred animals.

The people of the state of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. It shall be unlawful for any person or persons to pursue, trap, ensnare, or kill any otter, beaver, mink, muskrat, or other fur-bearing animals upon any lands owned by any person or persons engaged in the business of breeding and rearing such animals.

Unlawful to kill furred animals on lands owned by persons breeding same.

SECTION 2. Any person or persons who shall violate the provisions of section one of this act shall, on conviction thereof, be fined not less than five nor more than twenty dollars for each and every offense, to be paid to the owner or owners of the lands upon which the offense was committed.

Penalty for violation.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved March 4, 1875.

CHAPTER 211.

[*Published March* 11, 1875.]

AN ACT to protect the navigation of the Wolf River.

The people of the state of Wisconsin, represented in Senate and Assembly, do enact as follows:

Prohibition against throwing articles in Wolf river.

SECTION 1. Every person, company or corporation is hereby forbidden and prohibited from throwing or putting into the Wolf river, between a point one mile above the mouth of the Embarass River and the head of Lake Poygan, or in the Embarass River, within a distance of one mile from its mouth, any shavings, chips, clippings, scraps, saw-dust, or refuse stuff or material, of any mill, factory, manufacturing establishment or other business establishments.

Penalty for violation.

SECTION 2. Any person, company or corporation, guilty of violating any of the provisions of section one (1), of this act, shall be liable to a penalty not less than ten dollars, or to exceed one thousand dollars, for each violation of the provisions of said section one (1), to be recovered in a suit in the name of [the] state of Wisconsin.

Duty of district attorneys to prosecute.

SECTION 3. It shall be the duty of the district attorneys of the several counties to prosecute every person, company, or corporation violating any of the provisions of said section one (1), in their respective counties, and for that purpose they are hereby authorized and empowered to bring all necessary suits, and actions, and to appear and bring the same as attorney for and in behalf of the state of Wisconsin.

SECTION 4. This act shall take effect and be in force from and after its passage and publication.

Approved March 4, 1875.

CHAPTER 212.

AN ACT to appropriate to St. Luke's Hospital, of Racine, five hundred dollars.

The people of the state of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. There is hereby appropriated to the St. Luke's Hospital, in Racine, for the care and maintenance of the sick, five hundred dollars out of any money in the treasury not otherwise appropriated. Appropriation.

SECTION 2. This act shall take effect and be in force from and after its passage.

Approved March 4, 1875.

CHAPTER 213.

AN ACT to appropriate to the Home of the Friendless, of Milwaukee, five hundred dollars.

The people of the state of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. There is hereby appropriated to the Home of the Friendless of Milwaukee, for the support and maintainance of friendless persons, the sum of five hundred dollars out of any money in the treasury not otherwise appropriated. Appropriation.

SECTION 2. This act shall take effect and be in force from and after its passage.

Approved March 4, 1875.

CHAPTER 214.

AN ACT to appropriate to St. Amelianus Orphan Asylum, of Milwaukee, one thousand dollars.

The people of the state of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. There is hereby appropriated to the St. Appropriation.

Amelianus Orphan Asylum, of Milwaukee, for food and clothing for orphan children, the sum of one thousand dollars out of any money in the treasury not otherwise appropriated.

SECTION 2. This act shall take effect and be in force force from and after its passage.

Approved March 4, 1875.

CHAPTER 215.

AN ACT to appropriate to the Cadle Home, of Green Bay, five hundred dollars.

The people of the state of Wisconsin, represented in Senate and Assembly, do enact as follows:

Appropriation. SECTION 1. There is hereby appropriated to the Cadle Home, of Green Bay, for the support and maintenance of friendless persons, the sum of five hundred dollars out of any money in the treasury not otherwise appropriated.

SECTION 2. This act shall take effect and be in force from and after its passage.

Approved March 4, 1875.

CHAPTER 216.

[*Published March* 15, 1875.]

AN ACT to appropriate to the Woman's Centennial Executive Committee, of the state of Wisconsin, the sum of one thousand dollars

The people of the state of Wisconsin, represented in Senate and Assembly, do enact as follows:

Appropriation. SECTION 1. There is hereby appropriated to the Woman's Centennial Executive Committee, of Wisconsin, the sum of one thousand dollars, for the purpose of defraying the expenses incident to the part to be taken by the women of the United States in the forthcoming international exhibition.

SECTION 2. This act shall take effect from and after its passage.

Approved March 4, 1875.

CHAPTER 217.

[*Published March* 11, 1875.]

AN ACT for the preservation of fish in Wolf Creek and Gratiot mill-pond, in the county of La Fayette.

The people of the state of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. It shall be unlawful for any person or persons to kill, destroy, or take in any way or manner, any fish in Wolf Creek or the Gratiot mill-pond, in the county of La Fayette, between the first day of October and the tenth day of May. Unlawful to take fish at certain times.

SECTION 2. Every person who shall violate the preceding section shall, upon conviction, suffer a fine of two dollars for each such fish so killed, caught, destroyed or taken, or pursued with the intent to kill, catch, destroy or take, together with the costs of prosecution. Penalty for violation.

SECTION 3. Any person or persons who shall molest, disturb or destroy any fish at the time of their spawning, or disturb or destroy their spawing-beds or nests between the first day of January and the tenth day of May of each year, shall, upon conviction thereof, be subject to and liable for a penalty of not less than five dollars, nor more than fifteen dollars, for every such act committed in said Wolf Creek or Gratiot mill-pond, in La Fayette county, together with the costs of prosecution. Unlawful to disturb spawning-beds. Penalty.

SECTION 4. Justices of the peace of the said county of La Fayette shall have cognizance and jurisdiction of all offenses under this act, without regard to the aggregate amount of fines imposed in one case. All prosecutions under this act shall be deemed criminal proceedings, and shall be conducted as provided by law for the prosecution of offenses, cognizable before justices of the peace; and in all convictions under the act one-half of all fines and penalties shall be paid over by the justice or person collecting the same to Justice to have jurisdiction.

the person who shall inform or make the complaint in the case.

Repeal of conflicting laws

SECTION 5. All laws heretofore passed conflicting with this act are hereby repealed.

SECTION 6. This act shall take effect from its passage and publication.

Approved March 4, 1875.

CHAPTER 218.

[*Published March* 17, 1875.]

AN ACT for fixing the terms of the supreme court and regulating the practice therein, and concerning the justices thereof.

The people of the state of Wisconsin, represented in Senate and Assembly, do enact as follows:

Sessions of supreme court.

SECTION 1. There shall hereafter be held at Madison in the supreme court room, two sessions of the supreme court in each year, to be called the January and August terms. The January term shall commence on the Tuesday next preceding the second Wednesday in January, and the August term shall commence on the second Tuesday in August.

Adjournment of court.

SECTION 2. One justice of the court in the absence of the other justices, may adjourn the court to a day in the same term, and in the absence of all of the justices, such adjournment may be made to a day appointed in an order signed by two of the justices and filed with the clerk.

Issue of fact may be sent to circuit court for trial.

SECTION 3. When an issue of fact shall be joined in any action commenced in the supreme court, the court may, in its discretion, send the same to some circuit court for trial; and it shall be tried in such circuit court in the same manner as other issues of fact are tried, and returns shall be made thereupon as directed by the supreme court. The supreme court may also, in any such case, order that a special verdict be found and returned.

May order special verdict.

Admission as attorney.

SECTION 4. When the court is not in session, any graduate of the law department of the University of Wisconsin may be admitted as an attorney and counselor in the supreme court by an order made by one of the justices thereof and filed with the clerk.

SECTION 5. Section ninety-nine (99), of chapter seven (7), of the Revised Statutes, as amended by chapter sixty-five (65), of the laws of eighteen hundred and sixty-two (1862), which provides that the regular term of all state and county officers, when elected for a full term, shall commence on the first Monday of January next succeeding their election, was intended by the legislature to apply to the justices of the supreme court as well as to other state officers, and the same does so apply; and hereafter, any notice required by law of the election of any such justice for a full term, shall conform thereto.

Sec. 99, chap. 7 R. S. as amended, to apply to justices of supreme court.

SECTION 6. It shall be the duty of the supreme court during the present year to revise the rules of practice therein, and 1000 copies thereof shall be printed in pamphlet form by the state printer and delivered to the clerk of said court for distribution. Each attorney licensed to practice in the supreme court shall be entitled to one printed copy of said rules on application therefor to such clerk.

Revision of rules of practice.

SECTION 7. Hereafter, in making up the calendar of causes for argument at each term of the court, the clerk shall put all causes noticed for argument on said calendar in one general list, and in the order in which said causes shall have been noticed for argument.

Calendar of causes—how made.

SECTION 8. Notice of all motions to dismiss appeals or writs of error shall be served on the opposite party or his counsel, together with copies of all papers on which the same shall be founded, not already on file, and such motions shall be heard and determined only by the court, and upon such hearing the court may make such order as in its discretion will best promote the ends of justice, and upon such terms as it shall deem proper.

Notice to be served in certain cases.

Motions to be heard and decided by court.

Approved March 4, 1875.

CHAPTER 219.

[*Published March* 11, 1875.]

AN ACT to prevent the hunting of deer with dogs in the county of Kewaunee.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Unlawful to chase deer with dogs.

SECTION 1. It shall not be lawful for any person or persons to hunt, chase, drive, worry or kill, with dogs, any wild buck, doe or fawn, in the county of Kewaunee, at any time, and any person or persons offending against the provisions of this section shall be punished by a fine of not less than ten dollars and not more than twenty-five dollars for each and every offense, together with costs of suit, and shall be imprisoned in the county jail of the proper county until said fine and costs are fully paid, or are discharged according to law.

Penalty for violation.

Justice of the peace to have jurisdiction.

SECTION 2. Justices of the peace shall have jurisdiction to hear, try and determine all cases which may arise under the provisions of this chapter; *provided*, that the defendant shall not be deprived of a jury trial, nor of his rights of appeal as in other cases.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved March 4, 1875.

CHAPTER 220.

[*Published March* 10, 1875.]

AN ACT to change the name of the Lutheran Trinity Church, in the town of Oak Grove, county of Pierce, to Evangelical St. John's Church.

The people of the state of Wisconsin, represented in Senate and Assembly, do enact as follows:

Change of name

SECTION 1. The name of the Lutheran Trinity Church, in the town of Oak Grove, county of Pierce, is hereby changed to Evangelical St. John's Church.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 4, 1875.

CHAPTER 221.

[*Published March* 11, 1875.]

AN ACT for the relief of joint stock companies.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Organization of joint stock companies.

SECTION 1. All joint stock companies heretofore and prior to the first day of January, 1875, organized and by virtue of the provisions of chapter 73, of the revised statutes, entitled "of joint stock companies," shall be deemed to have been legally organized, to all intents and purposes, the same as if said chapter 73 had not been repealed.

Certificate of the secretary of state to be evidence.

SECTION 2. The certificate of the secretary of state that the certificate required to be deposited with him by the provisions of section 17, of said chapter 73, has been duly deposited with him, shall be *prima facie* evidence in any suit or proceeding against any such joint stock company of the validity of its organization.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved March 4, 1875.

CHAPTER 222.

[*Published March* 19, 1875.]

AN ACT to facilitate the artificial propagation and preservation of fish.

The people of the state of Wisconsin, represented in Senate and Assembly, do enact as follows:

Appropriation.

SECTION 1. There is hereby appropriated to the Fish

Commissioners of Wisconsin, out of any money in the state treasury not otherwise appropriated, the sum of two thousand dollars ($2000), to be expended under the provisions of chapter 253, general laws of 1874.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 4, 1875.

CHAPTER 223.

[*Published March* 12, 1875.]

AN ACT to lay out and establish a state road from the village of St. Croix Falls, in Polk county, to and intersecting state road established from New Richmond to Ashland.

The people of the state of Wisconsin, represented in Senate and Assembly, do enact as follows:

Commissioners for laying out road.

SECTION 1. Dan. F. Smith, V. M. Babcock, P. B. Lacy, W. H. Foster, and John Arbuckle, are hereby appointed commissioners with full powers and authority to survey, lay out and establish a state road from the village of St. Croix Falls, in Polk county, via. Butternut Lake, thence to Clam Falls, thence to section five, in township number thirty-seven, north. of range 14 west; thence by the most feasible route to and intersecting the state road laid out and established from New Richmond to Ashland in pursuance of chapter 310 of the general laws of 1874.

Right of commissioners to appoint substitute.

SECTION 2. In case of the sickness or inability of any of said commissioners, or of any one of them, to serve as commissioner, the remaining commissioners shall have the right to appoint a substitute who shall act as one of said commissioners, and have all rights and powers of those herein appointed. Said commissioners shall have the power to award damages and settle for damages with parties who may feel aggrieved, or sustain damages by the laying out, opening and establishment of said highway. All claims for damages shall be made within one year from the time said commissioners shall have filed the order and plat or survey of said road in the county clerk's office in the counties through which said road may run.

To award damages.

Claims to be made within one year.

SECTION 3. Upon the filing the order of survey of said road in the office of the county clerk in the several counties through which said road may pass, the said road shall become [a] public highway, and the said commissioners shall have full power to open out said highway, remove obstructions, build bridges, construct drains, corduroys, and culverts, and may do the same by contract or otherwise, in the same way and marner and to the same extent that supervisors of towns have to open highways in their respective towns.

When road shall become public highway

Powers of commissioners.

SECTION 4. As a compensation for laying out and opening out said road, said commissioners shall be entitled to the sum of three dollars and fifty cents per day for each day's service rendered in laying out and opening said road. Said commissioners shall have the power to employ such assistants as may be necessary, not to exceed five, who shall recieve as compensation not more than one dollar and fifty cents per day; also one surveyor who shall be entited to receive not more than five dollars per day for each day's service as surveyor. Said commissioners shall have the power to procure all needful subsistence at a reasonable price, said subsistence to be paid for by the counties through which said road may run, in proportion to the amount used in each county, in laying out and opening said road.

Compensation of commissioners.

May employ assistants.

Subsistence.

SECTION 5. There shall not be more than three of said commissioners employed at any time in laying out said road, or in opening said road, and no more than three of said commissioners shall be entitled to compensation for laying out and opening of said road at any one time.

Only three commissioners to be employed.

SECTION 6. When said commissioners shall have filed an order and survey of said road in the office of the county clerk in each of the counties through which said road shall run, it shall be the duty of the county board of supervisors in each of those counties to audit the accounts of said commissioners, on their filing such accounts, properly verified, with said county clerks.

County boards of supervisors to audit accounts.

SECTION 7. This act shall take effect and be in force from and after its passage and publication.

Approved March 4, 1875.

CHAPTER 224.

[*Published March* 13, 1875.]

AN ACT to legalize the acts of Charles J. Pardee, a justice of the peace in the county of Columbia.

The people of the state of Wisconsin, represented in Senate and Assembly, do enact as follows:

Acts legalized. SECTION 1. All the acts of Charles J. Pardee, a justice of the peace in the town of Wyocena, Columbia county, are hereby legalized, and declared to be as valid and binding, in all respects, as if the said Pardee had filed his official bond in the office of the clerk of the circuit court of said county, within the time limited therefor by law.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 5, 1875.

CHAPTER 225.

[*Published March* 10, 1875.]

AN ACT to repeal chapter sixty-one, of the private and local laws of 1853, entitled an act to declare the Baraboo river a navigable stream.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Repealed. SECTION 1. Chapter sixty-one, of the private and local laws of 1853, is hereby repealed.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 4, 1875.

CHAPTER 226.

AN ACT to annul section 9, of chapter 480, of the private and local laws of 1870, entitled, an act to incorporate Little Wolf River Improvement Company.

The people of the state of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section nine (9), of said chapter four hundred and eighty (480), of the private and local laws of Wisconsin, for the year 1870, entitled, an act to incorporate the Little Wolf River Improvement Company, is hereby annulled, to be read as follows: Section 9. Said company, its assigns, successors or legal representatives, are hereby authorized and empowered to charge, have, receive and collect, from the owner or owners of all logs, timber or other lumber, passing over either of said dams, or from the party or parties running any logs, timber or other lumber over either of said dams the following tolls and charges: For each thousand feet that passes over dam number one (1), eight cents; for each thousand feet that passes over dam number two (2), three cents; for each thousand feet that passes over dam number three (3), eight cents; for each thousand that passes over dam number four (4), nine cents; and for passing over dams number five (5), six (6) and seven (7), ten cents per thousand feet.

Amended.

Rates of toll.

SECTION 2. This act shall take effect and be in force from and after its passage.

Approved March 4, 1875.

CHAPTER 227.

[*Published March* 17, 1875.]

AN ACT to dispose of license money in the county of Rock.

The people of the state of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. It shall be the duty of each city, incorporated village and town in the county of Rock to pay into the treasury of said county for the benefit

Cities, villages and towns to pay license money to county poor fund.

of the poor fund, for each license to sell intoxicating drinks, granted by any such city, incorporated village or town, the sum of fifty dollars for each license granted, and when, by the charter of any such city or incorporated village a license may be granted for less than one year, the said city or incorporated village shall pay into said county treasury a sum at the rate of fifty dollars per year for the time for which such license may be granted.

Times of payment.

SECTION 2. The several cities, incorporated villages and towns of the county of Rock, shall pay into the treasury of said county one-half of the license money mentioned in section one of this act, on or before the first Wednesday of March, and the balance on the first Wednesday of October in each year, for the benefit of the poor fund.

SECTION 3. This act shall take effect and be in force from and after its passage.

Approved March 4, 1875.

CHAPTER 228.

[*Published March* 16, 1875.]

AN ACT to amend chapter two hundred and seventy-five (275), of the private and local laws of 1870, entitled, "an act to incorporate the city of Manitowoc."

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Amended.

SECTION 1. Section two (2), of chapter three (3), of chapter two hundred and seventy-five (275), of said act, is hereby amended by striking out the word "police-justice" where it occurs in said section.

Amended.

SECTION 2. Section three (3), of chapter three (3), of chapter two hundred and seventy-five (275), of said act, is hereby amended by striking out the word "police-justice" where it occurs in said section, and the word "and" immediately following said word "police-justice."

Amended.

SECTION 3. Section six (6), of chapter five (5), of chapter two hundred and seventy-five (275), is hereby amended so as to read as follows: Section 6. A police justice shall be designated and appointed by the

board of aldermen from one of the justices of the peace elected in said city, at their first meeting, or as soon thereafter as practicable, and shall have the power at any time to annul such appointment, and to appoint one of the other justices of the peace of said city a police justice, the police justice to hold his office in some convenient place to be designated by the board of aldermen. The term of office of the police justice shall continue for one year and until his successor is elected and qualified. The police justice shall have and possess all the authority, power and rights of a justice of the peace in every respect whatsoever, and shall have sole and exclusive jurisdiction to hear all complaints and conduct all examinations and trials in criminal cases arising within the city, and shall have exclusive jurisdiction in all cases to which the city shall be a party, cognizable before a justice of the peace, and shall have the same power and authority in cases of contempt as a court of record. The justice shall be entitled to receive for his services the same compensation in fees, as is allowed by law to justices of the peace for similar services, and no other; but the city shall not be liable to said police justice for his said fees, except such as accrue in prosecutions for violations of the charter or ordinances of the city, wherein the costs are not and cannot be collected of the offender. In cases of the absence, sickness, or other inability of the police justice, the mayor may, by warrant, authorize any justice of the peace within said city to perform the duties of police justice during such inability, and it shall thereupon be the duty of the mayor to inform the city marshal of such substitution, and make a report thereof to the board of aldermen, and they may confirm or set aside such appointment; but in all cases of complaints, suits or actions, brought or commenced before such justice after his appointment, and before action thereon by the board of aldermen, the same shall not abate by reason of his non-confirmation by the board of aldermen; but such complaints, suits or actions shall proceed to final judgment before such justice, and the justice so appointed shall, for the time being, possess all authority, powers and rights of the police justice. Appeals and writs of certiorari may be taken from the police justice in the manner as from justices of the peace.

Police justice.

Authority of police justice.

Compensation.

In case of inability of police justice.

Appeals and writs.

SECTION 4. Section five (5), of chapter five (5), of chapter two hundred and seventy-five (275), of said

Amended.

act, is hereby amended so as to read as follows, to-wit: Section 5. The city surveyor shall be a practical surveyor and engineer. The board of aldermen shall prescribe his duties, and fix the fees and compensation for any services performed by him. His term of office shall continue for one year, and until his successor is appointed, unless sooner removed for cause; said surveyor shall keep his office in some convenient place, to be designated by the board of aldermen, and it shall be his duty to execute all the civil engineering and surveying required by said board; said surveyor shall possess the same powers in making surveys and plats within said city that are given by law to county surveyors, and the like validity and effect shall be given to his acts and to all plats and surveys made by him as are or may be given to the acts, plats and surveys of county surveyors. He shall keep a record of all his official acts and doings, and shall record the same in a book to be kept for that purpose. He shall keep on file a copy of all plats of lots and blocks embraced in the city limits, of profiles of streets, alleys and sewers, and of the grade thereof, and of all drafts and plans relating to bridges and harbors, and to any public buildings belonging to the city of Manitowoc, and shall keep a record of the location of bench-marks and permanent corner-stakes, from which subsequent surveys shall be started, all of which such records, files, plats and estimates in this section mentioned shall be the property of the city, open to inspection of parties interested, and shall be delivered over by said surveyor at the expiration of his term of service to his successor in office, or to the board of aldermen. He shall keep a record of all estimates made by him of any work for said city, and when required by the board of aldermen shall file certified copies of all plans, specifications and estimates made by him in office of city clerk.

City surveyor—his duties and powers.

Shall keep record.

Amended.

SECTION 5. Section seven (7), of chapter five (5), of chapter two hundred and seventy-five (275), of said act, is hereby amended so that the fourth and last sentence of said section shall read as follows, to-wit: It shall be his duty with or without process to arrest any and all persons whom he shall find in any public place in said city in a state of intoxication or making a boisterous noise, or engaged in any affray or fight, or any act of lewdness or obscenity, or violating any ordinance of said city, and take said per-

Duty of marshal.

sons before the police justice for trial; and in making such arrests and securing such offenders, the marshal shall command all persons present to assist him therein, and any person so commanded, neglecting or refusing to render such assistance, shall be liable to a fine not exceeding ten dollars.

SECTION 6. Section seven (7), of chapter six (6), of chapter two hundred and seventy-five (275), of said act, is hereby amended by adding the following subdivisions: Amended.

XXXV. To make and prescribe the limits within which wooden buildings, or buildings of other materials that shall not be considered fire-proof, shall not be erected, placed or repaired; and to direct that all and any buildings within the limits prescribed shall be made and constructed of fire-proof materials, and to prohibit the repairing or rebuilding of wooden buildings within the fire limits, when the same shall have been damaged to the extent of fifty per cent. of the value thereof, and to prescribe the manner of ascertaining such damage. To prescribe fire limits.

XXXVI. To regulate or prohibit the keeping of any lumber-yard, and the placing and piling or selling of lumber, timber, wood, or other combustible material within the fire limits of said city. To regulate keeping of lumber, etc.

XXXVII. To regulate the measuring and inspecting of lumber, cord and fire-wood, shingles, timber, posts, staves, heading, and all building materials, and to appoint inspectors and prescribe their duties. To regulate measuring of same.

XXXVIII. To make, establish and regulate public pounds, pumps, wells, cisterns and reservoirs, and to provide for the erection and maintenance of water works for the supply of water to the inhabitants, and to prevent the unnecessary waste of water. To regulate pumps, etc., and to erect water-works.

XXXIX. To erect lamps and regulate the lighting thereof, and to provide for lighting the streets, public grounds and public buildings with gas or otherwise. To light streets.

XL. To require every merchant, retailer, trader and dealer in merchandise or property of any description which is sold by measure or weight, to cause his weights and measures to be sealed by the city sealer and to be subject to his inspection; and to provide for the punishment of persons using false weights and measures. The standard of such weights and measures shall be conformable to those established by law in this state. To require sealing of weights and measures.

XLI. To prescribe and regulate the manner of mov- To prescribe

manner of moving buildings.

ing buildings through the public streets and to require parties moving the same to give security for damages which may be recovered against said city on account of the obstruction to the street.

To direct and regulate breweries, tanneries etc.

XLII. To direct the location and management of and regulate breweries, tanneries and packing houses; and to direct the location, management and constuction of, and regulate, license, restrain, abate or prohibit within the city and the distance of one mile therefrom, distilleries, slaughtering establishments, establishments for steaming or rendering lard, tallow, offal and such other substances as can or may be rendered, and all establishments or places where any nauseous, offensive or unwholesome business may be carried on.

To establish markets.

XLIII. To establish and regulate public markets, determine their location, and make rules and regulations for the government of the same; to appoint suitable officers for overseeing and regulating such markets; and to restrain all persons from interrupting or interfering with the due observances of such rules and regulations.

To regulate sale of meats.

XLIV. To regulate butchers, and to regulate and restrain the sale of game, poultry, fresh meat, vegetables, fish, butter, fruit, eggs and other provisions in the city; to restrain and punish the forestalling of poultry, fruit and eggs; and to cause the seizure and destruction or other disposition of tainted or unwholesome meat, butter, vegetables, fruit or provisions.

To arrest vagrants, gamblers, etc.

XLV. To authorize the arrest, fine and imprisonment of all persons who not having visible means of support are without employment, idly loitering or rambling about, or staying in groceries, drinking saloons, houses of ill fame or houses of bad repute, gambling houses, railroad depots, or fire engine houses, or who shall be found trespassing in the night time upon the private premises of others, or begging, or placing themselves in the streets or other thoroughfares or public places to beg or receive alms; also keepers, exhibitors, or visitors at any gaming table, gambling house, house of fortune telling, place for cock fighting, or other place of device; and all persons who go about for the purpose of gambling or watch-stuffing, or who shall have in their possession any article or thing used for obtaing money under false pretenses, or who shall disturb any place where public or private schools are held, either on

week day or Sabbath, or places where religious worship is held.

XLVI. To authorize the taking up, and to provide for the safe keeping and education, for such periods of time as may be deemed expedient, of all children who are destitute of proper parental care and growing up in mendicancy, ignorance, idleness and vice.

To provide for destitute children.

XLVII. To regulate and prohibit the use of locomotive engines within the city, and to require railroad cars to be propelled by other power than that of steam; to direct and control the location of railroad tracks, and to require railroad companies to construct and maintain, at their own expense, such bridges, viaducts, tunnels, and to provide such other conveniences at public railroad crossings, as the board of aldermen may deem necessary.

To regulate railroads.

XLVIII. To require all officers of the city to give bond for care and custody of property in their possession belonging to the city, and to report in writing to the board of aldermen at least once in each year, the property in their possession belonging to the city.

To require bonds for care of property.

SECTION 7. Section thirteen (13), of chapter ten (10), of chapter two hundred and seventy-five (275), of said act, is hereby amended so as to read as follows: Section 13. The board of aldermen shall have power to order sewers built, and make all necessary provisions for drainage and sewerage in said city. The contract for building such sewers or drains shall be let to the lowest bidder, and the work shall be done under the superintendence of the city surveyor or other suitable person, and upon plans prepared by said surveyor. The expense of building such drains or sewers as provided for by this section shall be borne by the lots benefitted by such work, and the city clerk, upon estimates submitted to him by the city surveyor, shall immediately after such work is done apportion the cost of the same among the lots benefitted in proportion to the benefit accruing to each, and shall make a full statement in writing, and shall file the same in his office; such statement shall show the whole cost of such drain or sewer, the lots to be benefitted by the building of the same, and the amount assessed on each lot therefor, and the said clerk shall add such amount to the tax assessed upon said lot, and the same shall be collected as other taxes are collected. The mode of proceeding of ordering and contracting for the construction of sew-

Amended.

Power of board of aldermen in constructing sewers, drains, etc.

Commissioners of Wisconsin, out of any money in the state treasury not otherwise appropriated, the sum of two thousand dollars ($2000), to be expended under the provisions of chapter 253, general laws of 1874.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 4, 1875.

CHAPTER 223.

[*Published March* 12, 1875.]

AN ACT to lay out and establish a state road from the village of St. Croix Falls, in Polk county, to and intersecting state road established from New Richmond to Ashland.

The people of the state of Wisconsin, represented in Senate and Assembly, do enact as follows:

Commissioners for laying out road.

SECTION 1. Dan. F. Smith, V. M. Babcock, P. B. Lacy, W. H. Foster, and John Arbuckle, are hereby appointed commissioners with full powers and authority to survey, lay out and establish a state road from the village of St. Croix Falls, in Polk county, via. Butternut Lake, thence to Clam Falls, thence to section five, in township number thirty-seven, north, of range 14 west; thence by the most feasible route to and intersecting the state road laid out and established from New Richmond to Ashland in pursuance of chapter 310 of the general laws of 1874.

Right of commissioners to appoint substitute.

SECTION 2. In case of the sickness or inability of any of said commissioners, or of any one of them, to serve as commissioner, the remaining commissioners shall have the right to appoint a substitute who shall act as one of said commissioners, and have all rights and powers of those herein appointed. Said commissioners shall have the power to award damages and settle for damages with parties who may feel aggrieved, or sustain damages by the laying out, opening and establishment of said highway. All claims for damages shall be made within one year from the time said commissioners shall have filed the order and plat or survey of said road in the county clerk's office in the counties through which said road may run.

To award damages.

Claims to be made within one year.

SECTION 12. [11.] This act shall be in force from and after its passage and publication.

Approved March 4, 1875.

CHAPTER 229.

[*Published March* 17, 1875.]

AN ACT to amend chapter 276, of the private and local laws of 1857, relating to the charter of the village of Depere.

The people of the state of Wisconsin, represented in Senate and Assembly, do enact as follows:

Amended.

SECTION 1. Chapter two hundred and seventy-six (276), of the private and local laws of 1857, is hereby amended by adding after the twenty-second (22d) subdivison of section fifteen (15), of said chapter, a new subdivision to read as follows: Subdivision twenty-third (23d). To require the owners of any lot or grounds in said village, to set out ornamental and shade trees in the street or streets fronting the same, and to protect and preserve them, and in default thereof to cause the same to be done and to levy a special tax upon such lot or grounds to pay the expenses of the same. The said board of trustees shall also have power to determine the lines on which trees shall be set, the places where they shall be set, the kind and size of the trees to be set, and the manner of protecting and preserving the same, and for replanting them when they have died or been so injured as to fail to answer the purpose for which they were set out. When said trees have been set out on the public grounds of the village or in front of property exempt from taxation, the expense of setting and protecting may be paid from the general fund of the village; the said board of trustees shall have full power and authority to do all other needful acts as to themselves seem just and proper to give this section full scope and effect.

Lot owners required to set out shade trees.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 4, 1875.

CHAPTER 230.

[*Published March* 19, 1875.]

AN ACT to amend section 29, of chapter eighty-six, of the Revised Statutes, entitled, "of alienation by deed, of the proof and recording of conveyances, and the cancelling of mortgages."

The people of the state of Wisconsin, represented in Senate and Assembly, do enact as follows:

Amended.

SECTION 1. Section twenty-nine (29), of chapter eighty-six (86) of the Revised Statutes, is hereby amended by striking out from said section the following clause, to-wit: "Provided, that no such certified copy of the record of any deed shall be recorded until the grantee therein mentioned, or his agent, assigns, heirs, executors or administrators, shall make an affidavit that the original deed is either lost or destroyed, which said affidavit shall be endorsed on, and recorded with said certified copy of the record of such deed," so that said section will read as follows: "Whenever any deed or conveyance of lands situated in different counties within this state shall have been recorded in any county within which any of such lands may be situated, a copy of the record of such deed, certified by the register of deeds of the county in which such deed has been recorded, may be recorded in any other county in which any of such lands may be situated, in the same manner and with the like force and affect as the original deed."

Certified copy of deed not to be recorded until grantee shall make affidavit that original is lost.

Deeds may be recorded in other than the county in which property lies.

SECTION 2. This act shall take effect and be in force from and after its passage.

Approved March 4, 1875.

CHAPTER 231.

[*Published March* 18, 1875.]

AN ACT to amend chapter 229, of the laws of 1873, relating to the establishment of a state road from Green Bay to Depere.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. The act of which this is amendatory is hereby amended so as to read as follows: Section 1. G. S. Marsh, Vanden Winguard and Arnold Martins are hereby appointed commissioners, with full power and authority to lay out, establish and open a state road of eighty feet in width, from the south end of Webster street, in the city of Green Bay, in the county of Brown; thence to some suitable point in the village of Depere, in said county, to be determined by said commissioners: *provided*, that the road so laid out, established and opened may be extended by said commissioners at any time so as to embrace all that part of Webster street, in the city of Green Bay, lying southerly of the intersection of the middle line of private claim number nine with said Webster street, and the road so extended may be widened by said commissioners at any time to the width of one hundred feet, by annexing a strip twenty feet wide to the easterly side of said road as thus extended.

Amended.

Commissioners for laying out state road.

Proviso.

SECTION 2. After said state road shall have been laid out and established and extended and widened as aforesaid, by said commissioners, and within ten days after such laying out and establishment and extension and widening, the said commissioners shall make out a correct map or plat of survey of said road and file the same in the office of the county clerk of Brown county.

Commissioners to make map of road.

SECTION 3. Immediately after the filing of said survey, the said commissioners shall cause notice of the laying out and establishment, or extension and widening (as the case may be) of said road to be given to all the occupants of the lands through which said road may pass, stating that said commissioners will meet at a certain place within the town of Allouez, in said county, at a time to be therein named, for the purpose of appraising the damages sustained by any person or persons through whose lands said road shall be laid out, or whose land shall be taken by

Notice of laying out or widening of said road to be given.

of the poor fund, for each license to sell intoxicating drinks, granted by any such city, incorporated village or town, the sum of fifty dollars for each license granted, and when, by the charter of any such city or incorporated village a license may be granted for less than one year, the said city or incorporated village shall pay into said county treasury a sum at the rate of fifty dollars per year for the time for which such license may be granted.

Times of payment.

SECTION 2. The several cities, incorporated villages and towns of the county of Rock, shall pay into the treasury of said county one-half of the license money mentioned in section one of this act, on or before the first Wednesday of March, and the balance on the first Wednesday of October in each year, for the benefit of the poor fund.

SECTION 3. This act shall take effect and be in force from and after its passage.

Approved March 4, 1875.

CHAPTER 228.

[*Published March* 16, 1875.]

AN ACT to amend chapter two hundred and seventy-five (275), of the private and local laws of 1870, entitled, "an act to incorporate the city of Manitowoc."

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Amended.

SECTION 1. Section two (2), of chapter three (3), of chapter two hundred and seventy-five (275), of said act, is hereby amended by striking out the word "police-justice" where it occurs in said section.

Amended.

SECTION 2. Section three (3), of chapter three (3), of chapter two hundred and seventy-five (275), of said act, is hereby amended by striking out the word "police-justice" where it occurs in said section, and the word "and" immediately following said word "police-justice."

Amended.

SECTION 3. Section six (6), of chapter five (5), of chapter two hundred and seventy-five (275), is hereby amended so as to read as follows: Section 6. A police justice shall be designated and appointed by the

ity of said commisioners shall have full power to do and perform any act or duty required by this act to be done or performed by said commissioners.

Appeal from award of commissioners.

SECTION 6. Any party feeling himself aggrieved by the action of the said commissioners in awarding damages aforesaid, may appeal therefrom to the circuit court of Brown county by filing in the office of the clerk of said circuit court, a written notice of appeal within twenty days from and after the filing of the award of damages, and by executing to said city of Green Bay, town of Allouez, and village of Depere, and filing with said clerk of said circuit court, an undertaking with two sufficient surities, conditioned to pay all costs incurred by reason of said appeal if the damages finally recovered by said appellant shall not exceed the amount awarded by said commissioners; and upon the filing of said notice and undertaking, the clerk of said court shall enter such appeal on his docket, wherein the party appealing shall be plaintiff and the city of Green Bay, town of Allouez, and village of Depere, defendants; and such action shall be heard and determined as other issues of fact joined in said court.

Auditing board.

SECTION 7. The mayor of the city of Green Bay, the chairman of the town of Allouez, and the president of the village of Depere, are hereby constituted a board for the purpose of auditing all accounts and claims arising under the provisions of this act, and upon the certificate of a majority of said board, filed with the clerk of each of said municipalities, on or before the first day of October in each year, setting forth the amount of expense necessarily and properly to be incurred for the improving and maintaining of said road during the year, commencing at said date, the clerk of each of the municipalities aforesaid shall, in making up the tax-roll for each year, include therein and carry out in the column of state and cash taxes the amount of tax chargeable, as appears by such certificate, against the city, town or village, as the case may be, on account of said road, which amount shall be thus ascertained, viz: by calculation of the relative value of the taxable property of each of said municipalities as the same shall have been fixed by the last previous board of county equalization, and by assignment of the proportion of said tax according to the ratio which the taxable property of each of said municipalities bears to the aggregate value of the taxable property according to said equalization of said city, town

Expenses to be included in tax roll.

act, is hereby amended so as to read as follows, to-wit: Section 5. The city surveyor shall be a practical surveyor and engineer. The board of aldermen shall prescribe his duties, and fix the fees and compensation for any services performed by him. His term of office shall continue for one year, and until his successor is appointed, unless sooner removed for cause; said surveyor shall keep his office in some convenient place, to be designated by the board of aldermen, and it shall be his duty to execute all the civil engineering and surveying required by said board; said surveyor shall possess the same powers in making surveys and plats within said city that are given by law to county surveyors, and the like validity and effect shall be given to his acts and to all plats and surveys made by him as are or may be given to the acts, plats and surveys of county surveyors. He shall keep a record of all his official acts and doings, and shall record the same in a book to be kept for that purpose. He shall keep on file a copy of all plats of lots and blocks embraced in the city limits, of profiles of streets, alleys and sewers, and of the grade thereof, and of all drafts and plans relating to bridges and harbors, and to any public buildings belonging to the city of Manitowoc, and shall keep a record of the location of bench-marks and permanent corner-stakes, from which subsequent surveys shall be started, all of which such records, files, plats and estimates in this section mentioned shall be the property of the city, open to inspection of parties interested, and shall be delivered over by said surveyor at the expiration of his term of service to his successor in office, or to the board of aldermen. He shall keep a record of all estimates made by him of any work for said city, and when required by the board of aldermen shall file certified copies of all plans, specifications and estimates made by him in office of city clerk.

City surveyor—his duties and powers.

Shall keep record.

Amended.

SECTION 5. Section seven (7), of chapter five (5), of chapter two hundred and seventy-five (275), of said act, is hereby amended so that the fourth and last sentence of said section shall read as follows, to-wit: It shall be his duty with or without process to arrest any and all persons whom he shall find in any public place in said city in a state of intoxication or making a boisterous noise, or engaged in any affray or fight, or any act of lewdness or obscenity, or violating any ordinance of said city, and take said per-

Duty of marshal.

owner or occupant shall not remove his fences within the time required in such notice, the said superintendent of county highways shall cause such fences to be removed; but if the determination of the commissioners shall have been appealed from, then such notice shall be given after the final decision of such appeal.

Certificate of expense incurred to be filed.

SECTION 13. The certificates which shall be filed by said board (in accordance with section seven of this act), on or before the first day of October in any year, shall include also a certificate of the expense incurred and to be incurred for laying out and opening and extending and widening said road, as well as for maintaining and improving the same, either previous to or during the year succeeding said date.

SECTION 14. This act shall take effect and be in force from and after its passage and publication.

Approved March 4, 1875.

CHAPTER 232.

[*Published March* 19, 1875.]

AN ACT to amend chapter 445, of the laws of 1864, entitled, "An act to guard against the abuse of the elective franchise, and to preserve the purity of elections by a registration of electors," and all acts amendatory thereof and supplementary thereto.

The people of the state of Wisconsin, represented in Senate and Assembly, do enact as follows:

Amended.

Chap. 445. laws of 1864 only applicable to te incorporated villages and cities.

SECTION 1. The provisions of chapter four hundred and forty-five (445), of the laws of 1864, entitled, "An act to guard against the abuse of the elective franchise, and to preserve the purity of elections by registration of electors," and all acts amendatory thereof and supplementary thereto, shall hereafter be applicable only to incorporated villages and cities.

Conflicting acts repealed.

SECTION 2. All acts and parts of acts inconsistent with the provisions of this act are hereby repealed, and this act shall take effect from and after its passage and publication.

Approved March 4, 1875.

CHAPTER 233.

[*Published March* 17, 1875.]

AN ACT to amend section two (2), of chapter 5, and section one of chapter 3 of chapter 164, laws of 1873, entitled "An act to incorporate the city of Fort Howard, approved March 14th, 1873."

The people of the state of Wisconsin, represented in Senate and Assembly, do enact as follows:

Amended.

SECTION 1. Section two (2), of chapter five (5), of chapter one hundred and sixty-four (164), laws of 1873, entitled "an act to incorporate the city of Fort Howard," is hereby amended so as to read as follows:

Amount of tax to be levied.

Section 2. The common council of said city shall annually levy upon the taxable property of the city to defray the current expenses of the city a tax not exceeding one and one-half per cent. and for all other purposes, except for school wages and the payment of principal and interest of any outstanding bonds, debts or obligations of said city or the borough of Fort Howard, a tax not exceeding one-half of one per cent. upon all the taxable property of said city.

Amended.

SECTION 2. Section one (1), of chapter three (3), of chapter one hundred and sixty-four (164), general laws of 1873, entitled "an act to incorporate the city of Fort Howard," approved March 14, 1873, is hereby amended so as to read as follows: Section 1. Every person elected or appointed to any office under the provisions of this act, except justices of the peace, shall, before he enters upon the duties of his office, take and subscribe an oath of office, and file the same duly certified by the officers taking the same, with the clerk of the city; and the treasurer, clerk, marshal, constables and such other officers as the common council may direct, shall severally, before they enter upon the duties of their respective offices, execute to the city of Fort Howard a bond, with at least two surities who shall swear that they are worth in the aggregate, the penalty specified in said bond, over and above all debts and exemptions, and said bonds shall contain such penal sum and such conditions as the common council may deem proper, and they may from time to time require new additional bonds, and remove from office any officer refusing or neglecting to give the same. The treasurer elect of said city shall hereafter enter on the duties of his office on the

Oath of office and bonds of officers.

When treasurer to enter upon his duties.

first day of July next succeeding his election.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved March 4, 1875.

CHAPTER 234.

[*Published March* 19, 1875.]

AN ACT to amend section one, of chapter 101, of the revised statutes, entitled, "of the payment of debts and legacies of deceased persons."

The people of the state of Wisconsin, represented in Senate and Assembly, do enact as follows:

Amended.

SECTION 1. Section one, of chapter one hundred and one of the revised statutes, entitled, "of the payment of debts and legacies of deceased persons," is hereby amended by adding the following as subdivision four (4): When it shall appear from the inventory or other evidence, that there is no property belonging to said estate except real estate, and that there are no debts outstanding against the estate of the deceased, and the administrator or executor shall petition for a final settlement of the estate, setting forth in the petition that there is no property belonging to said estate except real estate; that there are no debts due or to become due against said estate. The county judge shall upon the filing of such petition cause a notice of such application to be given by publication in some newspaper printed and in general circulation in the county in which the real estate belonging to said deceased is situated, for four consecutive weeks, of the time and place appointed for the hearing of such petition, which notice so published shall set forth the substance of said petition, and if upon the hearing no person appear to oppose, and if the facts set forth in said petition be fully established to the satisfaction of the county judge, the county court shall be authorized to adjudge that no further proceeding shall be necessary in such estate and to declare said estate to be settled and to assign the same according to law.

When no property except real estate and no debts against estate, the same to be declared settled.

SECTION 2. This act shall take effect and be in force from and after the passage thereof.

Approved March 4, 1875.

CHAPTER 235.

[*Published March* 19, 1875.]

AN ACT to amend chapter 281, of the laws of 1873, entitled "An act to amend chapter 155 of the general laws of 1863, entitled 'an act to codify the laws of the state relating to common schools.'"

The people of the state of Wisconsin, represented in Senate and Assembly, do enact as follows:

Amended.

District board may permit use of school house for certain purposes.

SECTION 1. Section one, of chapter 281, of the laws of 1873, entitled "An act to amend chapter 155, of the general laws of 1863, entitled 'An act to codify the laws of the state relating to common schools,'" be and the same is amended by adding to said section the following: *And provided, further*, that a majority of the district board of any school district in this state shall have the right to permit the school house to be occupied by religious meetings, temperance meetings and any other meetings which in the judgment of the majority of the board will aid in disseminating intelligence and good morals among the inhabitants of the district.

SECTION 2. This act shall take effect and be in force from and after the passage and publication thereof.

Approved March 4, 1875.

CHAPTER 236.

[*Published March* 18, 1875.]

AN ACT to amend chapter 436, of the private and local laws of 1870, entitled, "An act to revise, consolidate and amend the act to incorporate the city of Green Bay, and the several acts amendatory thereof."

The people of the state of Wisconsin, represented in Senate and Assembly, do enact as follows:

Amended.

SECTION 1. The second section, of the second chap-

ter of said act is hereby amended so as to read as follows: Section two. The elective officers of said city shall be a mayor, one city treasurer, one city assessor, one marshal and four justices of the peace, for the city at large, and three aldermen and one constable for each ward. All other officers necessary for the proper management of the affairs of the city shall be appointed by the common council. All elective officers, except justices of the peace, shall, unless otherwise provided, hold their respective offices for one year, and until their successors are elected and qualified; *provided, however*, the common council shall have power, for due cause shown, to expel any of their own number, and to remove from office any officer or agent, under the city government, due notice being first given to the officer complained of, of the charges against him. Justices of the peace, elected in the said city of Green Bay, shall, if duly qualified, hold their offices for two years from and after the second Tuesday in April next succeeding their election, and each of such justices of the peace may keep his office in which to transact business, hear, try and determine causes in any or either of the wards of said city, and their jurisdiction shall be co-extensive within the limits of Brown county and they shall have jurisdiction over, and cognizance of all actions and proceedings, the same as other justices of the peace in said county of Brown, and all proceedings at law before them, shall be subject to and governed and regulated by the general provisions of law now in force in regard to actions and proceedings before, and courts held by, justices of the peace.

City officers.

Power of council to expel or remove from office.

Justice of the peace.

SECTION 2. The police justices shall have exclusive jurisdiction in all actions for the recovery of any penalty or fine under all the laws of said city, and all ordinances, by-laws and regulations thereof, and shall, in addition, have and possess all the authority, powers and rights of a justice of the peace.

Police justice.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved March 4, 1875.

CHAPTER 237.

[*Published March* 13, 1875.]

AN ACT to amend an act, entitled, "an act to consolidate and amend an act to incorporate the city of Watertown, and the several acts amendatory thereof, approved March 28, 1865."

The people of the state of Wisconsin, represented in Senate and Assembly, do enact as follows:

Election of aldermen.

SECTION 1. On the second Tuesday of April next, the term of office of all the aldermen of the city of Watertown shall expire, and on the first Tuesday of April, 1875, and annually thereafter, there shall be elected by the qualified electors of each ward, two aldermen, whose term of service shall be for one year, and until their successors are elected and qualified; one of the said aldermen in each ward shall be denominated "Senior Alderman," and shall be so designated on the ballots. The said aldermen shall each be entitled to seats in the common council of said city. And the senior aldermen so elected shall form a board of street commissioners, and shall have and exercise all the powers now conferred by law on said board, except as limited and controlled by this act.

Board of street commissioners.

Election of supervisors.

SECTION 2. In each ward of said city, at the annual election to be holden on the first Tuesday of April next, and annually thereafter, there shall be elected by the qualified electors of each ward, three supervisors, one of whom shall be denominated "chairman," and shall be so designated on the ballots. The said chairman shall be entitled to a seat in the county board of supervisors. In case of any vacancy in said office, or the inability from any cause to attend said county board, one of the other supervisors, to be determined by lot, shall represent said ward in said county board of supervisors, and be entitled to a seat in the same. All vacancies in the office of supervisor shall be filled in the manner now provided by law for filling vacancies in the office of aldermen of said city; *provided*, that no such supervisor shall be alderman at the same time.

Vacancies—how filled.

Ward board of street commissioners.

SECTION 3. The said supervisors of each ward shall form and constitute a ward board of street commissioners, a majority of whom shall constitute a quorum. They shall meet for the transaction of business, at the office of the city clerk; the said clerk

shall act as their clerk, and keep a record of all their proceedings, and have the custody of all their records, books, and papers.

Powers of same.

SECTION 4. The said ward board of street commissioners shall have exclusive control and charge of all the streets and highways of their respective wards, and have power to superintend and direct all improvements and repairs of the same, and the expenditure and control of all ward funds and highway labor and taxes shall be under their direction, and all claims against any ward shall be certified and audited by them, and laid before the common council for allowance, and no claims against any ward shall be increased by said common council without the concurrence of said ward board.

Board of registry and inspector of elections.

SECTION 5. The said supervisors shall act as a board of registry and inspector of elections in their respective wards and shall receive no compensation for any service rendered by them, except for attendance on the county board and for services as such board of registry and inspectors of elections.

Tax-payers to have access to city records.

SECTION 6. Any tax payer or elector of said city shall have the right of free access to and examining all records, books and papers of every description in the offices of the city clerk, treasurer and board of education without charge and during all reasonable hours.

Conflicting acts repealed.

SECTION 7. All acts and parts of acts contravening the provisions of this act be and the same are hereby repealed.

Act to be published by city clerk.

SECTION 8. This act shall take effect and be in force from and after its passage and publication, and it is made the duty of the city clerk to immediately publish the same in all the city papers.

Approved March 5, 1875.

Notice to be served on occupants of lands to be taken.

such widening; such notice shall be served personally on all the occupants of said land, or by copy left with or at the usual place of abode of said occupants, at least five days before the time appointed for such meeting.

Damages to be ascertained by agreement between commissioners and owners of land.

SECTION 4. The damages sustained by any person or persons through whose land said road shall be laid out and established, or widened, may be ascertained by agreement between the said commissioners and such owner or owners; every such agreement shall be reduced to writing and signed by such owner and the said commissioners, and filed in the county clerk's office; and every such agreement and every release for damages given shall forever preclude such owner and all persons claiming under him from all further claim for damages. If there be any owner or owners of said lands who shall not agree with the commissioners as to the compensation they shall receive for damages sustained by them by reason of the laying out and establishment of said road, or its being widened, and who shall not previous to the meeting of said commissioners deliver to them a written release of all claims for damages sustained by them by reason thereof, said commissioners shall at the time and place of meeting appointed by them as aforesaid, assess the damages which such owner or owners will sustain by reason of the laying out of said road through their lands, or widening it so as to embrace their lands, and make an award in writing, specifying the sum awarded by them to each of said owners for their respective damages; and if the owner of any parcel of said land is unknown, the commissioners shall in their award specify the amount of damages awarded by them to such unknown owner. Said award shall be signed by the commissioners and filed in the county clerk's office, and on and after filing said award in the office of the said county clerk, the said road shall be a public highway and be deemed opened and established for highway purposes.

When commissioners and owners cannot agree, latter to assess damages.

Damages and expenses—how paid.

SECTION 5. All damages and expenses necessarily occasioned by the laying out, establishment and opening said road, or extending and widening it as aforesaid, shall be paid by the city of Green Bay, the town of Allouez, and the village of Depere, and said commissioners shall each receive for their services in laying out and opening and extending and widening said road, two dollars and fifty cents per day for each day they are actually engaged thereon; and a major-

Compensation of commissioners.

of the said prison for the year commencing on the first day of April, 1875, and ending on the 31st day of March, 1876.

Money appropriated to be paid out of state treasury.

SECTION 4. All sums of money appropriated by this act shall be paid out of any money in the State treasury not otherwise appropriated as the necessities of the prison shall require, and shall be paid to the Warden of said prison on the order of the directors thereof.

SECTION 5. This act shall take effect and be in force from and after its passage and publication.

Approved March 4, 1875.

CHAPTER 240.

[*Published March* 19, 1875.]

AN ACT authorizing adjoining towns not exceeding fifteen in number to form insurance companies.

The people of the state of Wisconsin, represented in Senate and Assembly, do enact as follows:

Authority to organize insurance companies.

SECTION 1. It shall be lawful for any number of persons not less than twenty-five, residing in adjoining towns in this state, who shall own collectively property of not less than twenty-five thousand dollars in value which they desire to have insured, to form themselves into a company for mutual insurance against loss or damage by fire or lightning, which corporation shall possess the usual powers and be subject to the usual duties of corporations, and the corporate name thereof shall embrace the name of the town in which the business office of said company shall be located; *provided, however*, that the adjoining towns in which the said persons reside and in which they shall have authority to do a business of mutual insurance, shall not exceed fifteen in number.

Towns in which company is organized not to exceed 15 in number.

Rights and duties of companies.

SECTION 2. The company thus formed shall have all the rights and be subject to all the duties either conferred or imposed upon town insurance companies, by chapter 103, of the laws of 1872, and the acts amendatory thereof.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved March 4, 1875.

and village taken together. The said board shall elect one of their number as chairman and the clerk of the city [of] Green Bay shall be *ex-officio* the secretary of the board.

Act of March 5, 1869, declared to be in force.

SECTION 8. The act entitled "an act to authorize the laying out of a state road from Green Bay to Depere," approved March 5, 1869, and the amendments thereto, are hereby declared to be in force, except when the provisions thereof conflict or are inconsistent with the provisions of this act, and in which latter case all of such conflicting or inconsistent provisions are hereby repealed.

County superintendent of highways to report to auditing board.

SECTION 9. The county superintendent of highways shall, as soon as practicable after said highways shall have been opened and established, or extended and widened, in accordance with section four (4) of this act, and annually thereafter, on or before the first day of June, report to the said auditing board upon the condition of said highway the amount and character of the work necessary or proper to be done thereon during the ensuing year and furnish them with a specific estimate of the cost thereof, and for such services shall be entitled to receive five dollars per diem for all the time necessarily employed therein.

Board to procure work required.

SECTION 10. The said board shall have authority to procure the performance of the work required upon said highway either by contract or otherwise.

State road tax to be paid over to county treasurer.

SECTION 11. The treasurer of the said city of Green Bay, town of Allouez, and village of Depere, shall annually, within thirty days after the expiration of the time for the collection of taxes, pay over to the county treasurer of Brown county the sums collected by them on account of said state road tax, and the said sums so paid over shall be held by said county treasurer as a separate fund, to be called "the state road fund." Payments from such fund shall only be made upon the order of the chairman of said auditing board, which order shall be countersigned by the secretary thereof.

Payments from state road fund.

Notice for removal of fences to be given.

SECTION 12. In case the commissioners shall have laid out and opened or widened said road through any enclosed, improved or cultivated lands, and their determination shall not have been appealed from, they shall give the owner or occupant of such lands notice in writing to remove his fences within such time as they shall deem reasonable, not less than thirty days, after giving such notice; and if such

and Bayfield, and towns number thirty-nine (39) and 40 north, of range one (1) east, in Chippewa county, are hereby constituted and created a lumber district, to be known and called lumber district number eleven (11).

SECTION 2. Said lumber district number eleven (11) shall be subject to the provisions of chapter one hundred and sixty-seven (167), of the general laws of 1864, entitled, "An act to establish lumber districts in this state, and to regulate the traffic in logs, timber and lumber in said districts;" and also to the provisions of chapter fifty-seven (57), of the general laws of 1866, amending said chapter one hundred and sixty-seven (167), of the general laws of 1864. District to be subject to chap. 167, G. L. 1864.

SECTION 3. The inspector of said lumber district number eleven (11) shall keep his office at the village of Ashland, in the county of Ashland and state of Wisconsin. Inspector to keep office at Ashland.

SECTION 4. All laws and parts of laws inconsistent with the provisions of this act are hereby repealed, and this act shall take effect and be in force from and after the passage and publication thereof. Conflicting acts repealed.

Approved March 4, 1875.

CHAPTER 243.

[*Published March* 25, 1875.]

AN ACT to vacate the cemetery located in the third ward of the city of Madison, and to provide for the removal of the dead buried therein, to the Forest Hill Cemetery, owned by said city.

The people of the state of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. That the plat of the cemetry located upon block one hundred and eighty in the city of Madison, is hereby vacated, and it shall be unlawful hereafter to use said cemetery or any lot or part of lot therein for the purpose of burying the dead therein, and it shall be lawful for the city of Madison to sell and convey the same or make such other use or disposition of said cemetery grounds, after the removal from the same of the dead buried therein, as hereinafter provided, as the common council of said city may designate or appoint. Cemetery plat vacated.

CHAPTER 233.

[*Published March* 17, 1875.]

AN ACT to amend section two (2), of chapter 5, and section one of chapter 3 of chapter 164, laws of 1873, entitled "An act to incorporate the city of Fort Howard, approved March 14th, 1873."

The people of the state of Wisconsin, represented in Senate and Assembly, do enact as follows:

Amended.

SECTION 1. Section two (2), of chapter five (5), of chapter one hundred and sixty-four (164), laws of 1873, entitled "an act to incorporate the city of Fort Howard," is hereby amended so as to read as follows:

Amount of tax to be levied.

Section 2. The common council of said city shall annually levy upon the taxable property of the city to defray the current expenses of the city a tax not exceeding one and one-half per cent. and for all other purposes, except for school wages and the payment of principal and interest of any outstanding bonds, debts or obligations of said city or the borough of Fort Howard, a tax not exceeding one-half of one per cent. upon all the taxable property of said city.

Amended.

SECTION 2. Section one (1), of chapter three (3), of chapter one hundred and sixty-four (164), general laws of 1873, entitled "an act to incorporate the city of Fort Howard," approved March 14, 1873, is hereby amended so as to read as follows: Section 1. Every person elected or appointed to any office under the provisions of this act, except justices of the peace, shall, before he enters upon the duties of his office, take and subscribe an oath of office, and file the same duly certified by the officers taking the same, with the clerk of the city; and the treasurer, clerk, marshal, constables and such other officers as the common council may direct, shall severally, before they enter upon the duties of their respective offices, execute to the city of Fort Howard a bond, with at least two surities who shall swear that they are worth in the aggregate, the penalty specified in said bond, over and above all debts and exemptions, and said bonds shall contain such penal sum and such conditions as the common council may deem proper, and they may from time to time require new additional bonds, and remove from office any officer refusing or neglecting to give the same. The treasurer elect of said city shall hereafter enter on the duties of his office on the

Oath of office and bonds of officers.

When treasurer to enter upon his duties.

such dead bodies as are buried therein in the manner specified in this act.

SECTION 4. All and singular the provisions of the city charter of the city of Madison, and all acts amendatory thereof and suplementary thereto, and all and singular the ordinances and police regulations of said city, shall extend over and apply to said Forest Hill Cemetery so far as it may be necessary to protect, improve and preserve the same and secure the rights and interests of lot-owners therein, and the common council of said city shall have power and authority to pass such further or other ordinances as shall be necessary to accomplish the purposes in this section specified.

Authority of city of Madison to extend over Forest Hill cemetery.

SECTION 5. This act shall be liberally construed in all courts and places, and shall take effect and be in force from and after its passage and publication.

Act to be liberally construed.

Approved March 4, 1875.

CHAPTER 244.

AN ACT to leagalize the acts of the administrators of George H. Dartt in laying out and platting an addition to the village of North Montello.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. The acts of Josiah H. Dartt and Justus N. Dartt, administrators of the estate of George H. Dartt, in laying out, platting, and recording an addition to the village of North Montello, on the southwest quarter of section nine, town fifteen north, range ten east, are hereby declared to be legal and valid for all purposes.

Acts legalized.

SECTION 2. This act shall take effect and be in force from and after its passage.

Approved March 5, 1875.

north of Waugoo street, bounded on the north by Merrett street, east by Lake Winnebago street, and west by Main street, shall constitute the Fourth ward.

Fifth ward. Fifth Ward. All that portion of said city lying north of James street and Vermont avenue, and west by Jackson street on the east side of Fox river, and all on the west side of said river bounded north by the northern city boundary, west by the western city line, south by the dividing line between the southeast and southwest quarter of section twenty-two, and east by the Fox river, shall constitute the Fifth ward.

Sixth ward. Sixth ward. All that portion of said city lying north of the southern boundary thereof, and east of the western boundary thereof, and south of the southern boundary of the fifth ward as heretofore described, and west of the middle of Michigan street and of the line protracted of the middle of Michigan street to the southern boundary of the city, shall constitute the Sixth ward.

Seventh ward. Seventh Ward. All that portion of said city lying north of Fox river, described as follows: Beginning at the foot of Wisconsin street, thence north to Union street, thence on Union street to Meadow street, thence north on Meadow street to Irving street, thence east on Irving street to Jackson street, thence north on Jackson street to Vermont avenue, then west on Vermont avenue and James street to the Fox river, thence along the river to the place of begining, shall constitute the Seventh ward.

Eighth ward. Eighth Ward. All that portion of said city lying north of Merrett street, bounded on the north by Irving street, east by Lake Winnebago and west by Main street, shall constitute the Eighth ward.

Ninth ward. Ninth Ward. All that portion of said city lying north of Irving street, bounded on the north by the city line, on the east by Lake Winnebago, and on the west by Jackson street, shall constitute the Ninth ward.

Tenth ward. Tenth Ward. All that portion of said city lying north of Algoma street, bounded on the north by Irving street, on the east by Main street, and on the west by Wisconsin and Meadow streets, shall constitute the Tenth ward.

Eleventh ward. Eleventh Ward. All that portion of said city lying south of Fox River and the west line described hereinbefore as the west boundary of the Third ward, and north of the southern city boundary and east of a line running through the middle of Minnesota

ter of said act is hereby amended so as to read as follows: Section two. The elective officers of said city shall be a mayor, one city treasurer, one city assessor, one marshal and four justices of the peace, for the city at large, and three aldermen and one constable for each ward. All other officers necessary for the proper management of the affairs of the city shall be appointed by the common council. All elective officers, except justices of the peace, shall, unless otherwise provided, hold their respective offices for one year, and until their successors are elected and qualified; *provided, however*, the common council shall have power, for due cause shown, to expel any of their own number, and to remove from office any officer or agent, under the city government, due notice being first given to the officer complained of, of the charges against him. Justices of the peace, elected in the said city of Green Bay, shall, if duly qualified, hold their offices for two years from and after the second Tuesday in April next succeeding their election, and each of such justices of the peace may keep his office in which to transact business, hear, try and determine causes in any or either of the wards of said city, and their jurisdiction shall be co-extensive within the limits of Brown county and they shall have jurisdiction over, and cognizance of all actions and proceedings, the same as other justices of the peace in said county of Brown, and all proceedings at law before them, shall be subject to and governed and regulated by the general provisions of law now in force in regard to actions and proceedings before, and courts held by, justices of the peace.

City officers.

Power of council to expel or remove from office.

Justice of the peace.

SECTION 2. The police justices shall have exclusive jurisdiction in all actions for the recovery of any penalty or fine under all the laws of said city, and all ordinances, by-laws and regulations thereof, and shall, in addition, have and possess all the authority, powers and rights of a justice of the peace.

Police justice.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved March 4, 1875.

peace heretofore elected, and now acting as such, shall continue in office for and during the term for which they were elected.

Change of ward boundaries to be submitted to voters.

SECTION 4. No such alteration shall take place without first submitting the question of such alteration to a vote of the legal voters of the city of Oshkosh, to be taken at the annual charter election of the said city; and if a majority of all the votes cast at such election an that subject shall be in favor of such a change, then the change contemplated by this act shall take effect and be in force.

SECTION 5. This act shall take effect and be in force from and after its passage, and anything in the charter of the city, so far as the same conflicts with this act, is repealed, and no further.

Approved March 5, 1875.

CHAPTER 248.

[*Published March* 11, 1875.]

AN ACT relating to the fencing of railroads.

The people of the state of Wisconsin, represented in Senate and Assembly, do enact as follows:

Railroad companies required to fence roads and supply cattle guards.

SECTION 1. All railroad companies in this state, whose roads have been in operation two years or more in carrying goods and passengers over the same or over any portion of such roads, are hereby required to fence the same, and to construct the necessary farm-crossings and cattle-guards wherever said roads or portions thereof have been so running through inclosed lands, or through lands that may hereafter be inclosed.

When neglected owner of land may give notice to company to build fences, &c.

SECTION 2. Any owner or occupant of such inclosed land, or lands, that may hereafter be inclosed, if the railroad company, whose track runs through such lands, refuses or neglects to comply with the requirements of the foregoing section, may give notice in writing to such company to fence its road so running through his premises, and to construct the necessary farm-crossings and cattle-guards thereon, and if such company, after being so notified, shall refuse or neglect for the space of six months to fence its road and to construct the necessary farm-crossings and cattle-

guards, it shall be liable to pay to the owner or occupant of such premises the sum of ten dollars for each and every train of cars, or for each locomotive, that may thereafter pass through such premises and over such road, to be recovered in an action of trespass against the railroad company so offending.

Penalty for further neglect.

SECTION 3. The notice mentioned in the foregoing section shall be signed by the person owning or occupying the land, and shall contain a description of the premises so owned or occupied, and may be served on the president, general manager, or superintendent of such road, or on any agent having charge of a station on such road, by leaving a copy thereof with any of said officers.

Notice to be in writing and served on certain officers.

SECTION 4. Upon the trial of any action arising under this act against such railroad company, it shall not be necessary for the plaintiff to prove ownership of the land, but the proof of possession of the premises shall be deemed sufficient to entitle him to sustain such action.

Not necessary to prove ownership of land.

SECTION 5. Every justice of the peace shall have concurrent jurisdiction with the circuit court of the county wherein such action may arise against any railroad company not complying with the provisions of this act.

Justices of peace to have concurrent jurisdiction with circuit court.

SECTION 6. All acts and parts of acts contravening the provisions of this act are hereby repealed.

Repeal of conflicting acts.

SECTION 7. This act shall be in force from and after its passage and publication.

Approved March 4, 1875.

CHAPTER 249.

[*Published March* 15, 1875.]

AN ACT to provide for the letting of county printing for the county of Milwaukee.

The people of the state of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. It is hereby made the duty of the county board of supervisors of the county of Milwaukee, on the first Monday of May of each year, to advertise for proposals for supplying said county with such

Board of supervisors to advertise for proposals for printing.

printed blanks and blank-books, with printed matter therein, and for printing all books and pamphlets required by said county during the ensuing year.

Advertisement to be inserted six days.

SECTION 2. Said advertisement shall be inserted in the official papers of said county for six successive days, and at the hour appointed in said advertisement, the proposals shall be publicly opened by said county board of supervisors, and the contract awarded to the lowest bidder.

Contract to be awarded to lowest bidder.

Contractor to give bonds.

SECTION 3. Any person to whom a contract shall be awarded under the provisions of this chapter shall give bonds in double the estimated amount of the work needed during the year.

SECTION 4. This act shall take effect and be in force from and after its passage and publication.

Approved March 4, 1875.

CHAPTER 250.

[*Published March* 15, 1875.]

AN ACT to provide for the free and unobstructed navigation of the west branch of the Kickapoo river between certain points therein designated.

The people of the state of Wisconsin, represented in Senate and Assembly, do enact as follows:

West branch of Kickapoo river to be public highway.

SECTION 1. That the west branch of the Kickapoo river in all its meanderings between the north line of township twelve (12) north, range three (3) west in Vernon county, state of Wisconsin, and the junction of said west branch with the main Kickapoo river in said county, shall hereafter be held to be a public highway or thoroughfare, of free and unobstructed navigation, to all persons, for the purposes of rafting lumber and timber.

Unlawful to obstruct same.

SECTION 2. It shall be unlawful for any person or persons, in any way or by any means whatever, to obstruct said west branch of said Kickapoo river, so as to hinder or obstruct the free navigation thereof as provided in the next preceding section of this act.

Penalty for violation.

SECTION 3. Any person or persons offending against the provisions of this act shall be deemed guilty of a misdemeanor, and on conviction thereof shall be ad-

judged to pay a fine of not less than five dollars nor more than twenty dollars, with costs of suit.

Justice of the peace to have jurisdiction.

SECTION 4. Justices of the peace shall have jurisdiction to hear, try and determine all cases which may arise under the provisions of this act; *provided, however*, that the defendant shall not be deprived of trial by jury, nor of his right of appeal as in other cases.

SECTION 5. This act shall take effect and be in force from and after its passage and publication.

Approved March 4, 1875.

CHAPTER 251.

AN ACT to provide for increased shelving for the Historical Society, the transfer of miscellaneous books from the state library to the society, and an assistant for the library, and appropriating money therefor.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Improvements in State Historical Rooms provided for.

SECTION 1. The state superintendent of public property is hereby authorized and directed to contract for, and cause to be fitted up, such iron-work for shelving and a connected gallery-walk, as in the judgment of the library committee of the state historical society, may be necessary to meet the present necessity of the society, the plan of such work, and the work itself, to meet the approval of the secretary of state, state treasurer and the library committee of the society, leaving the shelving and any other needed wood-work to be done by the mechanics in the employ of the state; *provided*, that not more than fifteen hundred dollars ($1500) shall be expended under the provisions of section one (1.)

Not to exceed $1,500

Transfer of miscellaneous books from State Library to State Historical Society.

SECTION 2. The state librarian is hereby authorized, and directed to transfer to the state historical society the miscellaneous books in the state library, reserving to the state officers, judges, attorneys, and suitors of the supreme court, and members of the legislature, all privileges of using the books that they now enjoy, the historical society having the right to dispose of, or exchange any duplicates that may be found in the collection, for the benefit of the library.

Providing for employment of assistant.

SECTION 3. The historical society is hereby empowered to select and employ an assistant in the library,

CHAPTER 241.

[*Published March* 15, 1875.]

AN ACT authorizing the Governor to procure maps, plats, and lists of the lands granted to the state of Wisconsin, to aid in the construction of railroads, by the acts of Congress approved June 3, 1856, and May 5, 1864.

The people of the state of Wisconsin, represented in Senate and Assembly, do enact as follows:

Governor to procure maps, plats and lists of lands granted to state by congress.

SECTION 1. The Governor is hereby authorized and directed to procure from the United States such full and complete maps, plats and lists of the lands granted to the state of Wisconsin to aid in the construction of railroads, by acts of Congress approved June 3, 1856, and May 5, 1864, as will show what sections and parts of sections have been reserved from sale by the general government under said acts, to be approved to the state for the purpose aforesaid.

Appropriation so defray expenses.

SECTION 2. There is hereby appropriated out of the fund derived from trespass on said lands, a sufficient sum, not exceeding five hundred dollars ($500.00), to pay all expenses incurred under this act; and the secretary of state is hereby directed to draw his warrant on said fund for the amount of said expenses upon the presentation to him of an itemized account thereof, approved by the Governor.

SECTION 3. This act shall be in force from and after its passage and publication.

Approved March 4, 1875.

CHAPTER 242.

[*Published March* 15, 1875.]

AN ACT to establish lumber-district number eleven (11) in the state of Wisconsin.

The people of the state of Wisconsin, represented in Senate and Assembly, do enact as follows:

Organization of lumber district No. 11.

SECTION 1. For the purpose of inspecting and regulating the survey and measurement of logs, timber and lumber in this state, the counties of Ashland

CHAPTER 253.

[*Published March* 15, 1875.]

AN ACT to provide for levying a state tax for the year 1875.

The people of the state of Wisconsin, represented in Senate and Assembly, do enact as follows:

Providing for levy of state tax for 1875.

SECTION 1. There shall be and is hereby directed to be levied upon the taxable property of this state, a state tax for the year 1875, of two hundred and thirty-six thousand one hundred and twenty-five dollars, in addition to the amounts authorized to be levied by existing laws. Said tax shall be apportioned and certified by the Secretary of State to the several counties, and by the clerks of the several counties to the several towns, cities and incorporated villages in their respective counties, and shall be collected and paid over according to existing laws.

SECTION 2. This act shall take effect and be in force from and after its passage.

Approved March 4, 1875.

CHAPTER 254.

[*Published March* 15, 1875.]

AN ACT to authorize Franklin Holman, his heirs and assigns, to erect and maintain a dam or dams across Rice Creek, in Chippewa county, and to improve said creek and the lakes therein.

The people of the state of Wisconsin, represented in Senate and Assembly, do enact as follows:

Authority to maintain dams.

SECTION 1. Franklin Holman, his associates, heirs and assigns, are hereby authorized and empowered to erect, build and maintain a dam or dams across Rice Creek, in Chippewa county, on the southwest quarter of section number twenty-one (21), in township number thirty-three (33) north, of range number eight (8) west, and to improve said creek and the lakes therein between said dams and the Chippewa River, by booms and otherwise; said dams and booms and other improvements to be constructed and

Bodies to be removed after notice shall have been given.

SECTION 2. The bodies interred in said cemetery grounds so vacated shall be removed to the Forest Hill Cemetery, owned by said city, and buried in lots therein hitherto undisposed of, corresponding in size and value, as near as may be, with the lots in which said bodies are now interred; but before any bodies shall be removed under the authority and direction of the common council of said city as hereinafter provided, notice shall be given by the mayor of said city and commissioners of said Forest Hill Cemetery, by publishing the same in the State *Journal* and the Madison *Democrat* for twelve successive weeks, at least once in each week, to the owners of the lots in said cemetery so vacated, to select lots in said Forest Hill Cemetery in lieu thereof, and to remove their dead from said cemetery in said third ward of Madison; and that on a failure to comply with such notice by said lot owners, the said city will, under and by direction of its common council, by ordinance passed for that purpose, provide for the removal and remove the said bodies. When any such owner or owners shall not select new lots as aforesaid [and] remove such dead bodies as aforesaid from said third ward cemetery, it shall be lawful for the common council of said city to provide by ordinance for removing, and for said city under the authority of the same, and of this act, to remove such dead bodies to and bury them in said Forest Hill Cemetery, and to remove all grave stones and monuments and place them at the proper graves in said Forest Hill Cemetery in the same manner as they now are erected and placed, and all such removals and re-burials shall take place and be performed under the direction of the mayor of said city and the superintendent of said Forest Hill Cemetery, and at the expense of the city of Madison.

Expense of removals to be paid by city.

Lot owners in cemetery vacated to be entitled to lots of equal value in Forest Hill cemetery.

SECTION 3. Every holder of a lot in the cemetery hereby vacated, by deed, use, or the payment of the price thereof, shall, on releasing the same to said city, be entitled to select and receive a deed therefor, of a lot in said Forest Hill Cemetery of equal size and value, as near as may be, with the lot so vacated or released, for burial purposes, free of charge; and the lot holders in the said third ward cemetery are hereby authorized to release their right and interest in and to such lots to the city of Madison, which release, after the expiration of twelve weeks after the date of such release, shall give the city the right to remove

CHAPTER 255.

[*Published March* 25, 1875.]

AN ACT to appropriate to Carl Busack a sum of money therein named.

The people of the state of Wisconsin, represented in Senate and Assembly, do enact as follows:

Appropriation to Carl Busack.

SECTION 1. There is hereby appropriated out of any money in the treasury not otherwise appropriated, the sum of twenty-six hundred and twenty-eight dollars ($2,628) to Carl Busack, in full settlement and payment of all claims and demands, actions and causes of action, of every kind and nature whatsoever, legal or equitable, arising from or growing out of his contract for work, labor and services, and materials in and about building and constructing the wings to the Wisconsin Institution for the Education of the Blind, and for all extra work, labor, services and materials that he furnished, performed, bestowed or incurred in or about the erection or construction of the said wings, and for all extra charges and expenses made or incurred by him in or about the same.

Secretary of state to draw warrant, acceptance of which to bar further claims.

SECTION 2. The secretary of state shall, on the application of the said Carl Busack, draw his warrant for the said sum and deliver the same to the said Carl Busack, and his acceptance of the same shall completely and fully release and discharge the state from all the claims, demands, matters and things mentioned in section one (1), of this act, and shall be a full and complete bar in all courts and places to any suit, action or proceedings for or in behalf of the said Carl Busack for the recovery of the claims or demands mentioned herein, or any part thereof.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved March 5, 1875.

CHAPTER 256.

[*Published March* 13, 1875.]

AN ACT appropriating to the Waupaca Agricultural and Mechanical Association one hundred dollars.

The people of the state of Wisconsin, represented in Senate and Assembly, do enact as follows:

Appropriation.

SECTION 1. There is hereby appropriated to the Waupaca Agricultural and Mechanical Association, out of any money in the general fund not otherwise appropriated, the sum of one hundred dollars.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 5, 1875.

CHAPTER 257.

[*Published March* 17, 1875.]

AN ACT to appropriate to the Governor a sum of money for the purposes therein named.

The people of the state of Wisconsin, represented in Senate and Assembly, do enact as follows:

Appropriation for relief of Michael Gough.

SECTION 1. There is hereby appropriated to the said Governor and Attorney general, to be used at their discretion out of any money in the general fund not otherwise appropriated, the sum of six hundred and thirty-nine dollars, for the relief of Michael Gough; and the State Treasurer is hereby authorized to pay said amount or so much thereof as the said Governor and Attorney General shall find to be equitably due to the said Michael Gough, on the warrant of the Secretary of State drawn in favor of the said Governor and Attorney General for the purposes mentioned in the title of this act; *provided*, that the amount so paid shall be in full of all of his claims against the state.

Proviso.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 5, 1875.

CHAPTER 258.

[*Published March* 22, 1875.]

AN ACT to incorporate the city of Waupaca.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

CHAPTER I.

CITY AND WARD BOUNDARIES.

General powers.

SECTION 1. From and after the first Tuesday of April next, the district of country in the county of Waupaca, contained within the limits and boundaries hereinafter described, shall be a city by the name of the city of Waupaca, and the people now inhabiting, and those who shall hereafter inhabit the district of country herein described, shall be a municipal corporation by the name of the city of Waupaca, and shall have the general powers possessed by municipal corporations at common law, and in addition thereto, shall possess the powers herein specially granted; and the authorities thereof shall have perpetual succession, shall be capable of contracting and being contracted with, suing and being sued, pleading and being impleaded, in all courts of law and equity, and shall have a common seal, and may change and alter the same at pleasure.

City boundaries.

SECTION 2. The territory lying in the county of Waupaca and being all of sections 19, 20, 29 and 30, and the north half of 31, and 32, of township 22 north, of range 12 east, shall comprise the territory and limits of the city of Waupaca.

Ward boundaries.

SECTION 3. The city shall be divided into three wards, as follows: The first ward shall be all that portion of said city embraced within sections 19, 30, and 31, south of the Waupaca river, and west of the east line of said sections. The second ward shall be all that portion of said city embraced in sections 29 and 32, lying south of Waupaca river, and east of the west line of said section. The third ward shall be all that portion of said city lying north of Waupaca river.

Corporate authority—in whom vested.

SECTION 4. The corporate authority of said city shall be vested in one principal officer, styled the

mayor, in one board of aldermen, consisting of two members from each ward, who, with the mayor, shall be denominated the common council, together with such other officers as are hereinafter mentioned, or may be created under this act.

CHAPTER II.

ELECTIONS.

Elective officers.

SECTION 1. The elective officers of said city shall be a mayor, a treasurer, a police justice of the city at large, and two aldermen from each ward, one of which shall be designated as supervisor and shall be entitled to represent his ward on the county board of supervisors, and one justice of the peace for each ward, which said officers shall hold their respective offices as follows: The mayor, treasurer and one alderman in each ward, for one year; one alderman in each ward, police justices and justices of the peace, for two years. The mayor, treasurer and police justice shall be qualified voters and residents of said city, and the ward officers shall be qualified voters and residents of the respective wards for which they were elected.

Elections.

SECTION 2. The qualified voters of the city of Waupaca shall hold an election on the first Tuesday of April in each year, after the first, for the election of city and ward officers. Said elections shall be held in the several wards, for the officers herein designated, and shall be presided over by the aldermen and justice of the peace, in the respective wards, or, in case of their absence or disability, the voters present at the hour of opening the polls shall elect *viva voce*, a sufficient number of inspectors to make three with the alderman or aldermen, or said justice present, who shall be sworn in accordance with the laws of this state. Such inspectors shall appoint two clerks of the election, who, before entering upon the discharge of their duties as such clerks, shall also be severally sworn in accordance with the laws of this state, and such inspectors shall see the names of the voters registered, and the ballots safely deposited in the ballot box; shall decide all questions that may arise as to the legality of the votes presented; shall count the ballots at the close of the polls, and shall certify and seal two returns, and the day following the election, shall direct and return one of the said returns to the city clerk of the city of Waupaca, the

other to the county clerk for the county of Waupaca. The mayor of the city, and such members of the common council as shall hold over, shall constitute a board of canvassers, who shall within five days after such election, meet at the common council chamber and canvass such returns, and after the aforesaid returns have been canvassed by said board, the mayor shall notify by a certificate the persons elected to the respective offices. The polls shall be kept open in the respective wards from nine o'clock in the forenoon until five o'clock in the afternoon. Said elections shall be conducted in accordance with this act, and of the existing laws of the state of Wisconsin, and any frauds or violation of said laws at such elections shall be punishable in the same manner as any violation of the election laws in any part of the state.

Vacancies—how filled.

SECTION 3. In the event of a vacancy in the office of mayor, police justices or aldermen, by death, removal, or other disability, the common council shall order a new election, and shall give five days' notice thereof. Any vacancy in other offices shall be filled by the common council. The person appointed or elected to fill a vacancy, shall hold his office and discharge the duties thereof for the unexpired term, with the same rights and subject to the same liabilities as the person whose office he may be elected or appointed to fill.

Elections by people to be by ballot.

SECTION 4. All elections by the people shall be by ballot, and a plurality of votes shall constitute an election. All elections by the council shall be viva voce. When two or more candidates for an elective office shall receive an equal number of votes for the same office, the election shall be determined by the casting of lots in the presence of the council, at such time and in such manner as they may direct.

In case of tie vote.

Qualification of electors.

SECTION 5. All persons who are qualified electors of the state of Wisconsin, and who shall be bona fide residents in the city at time of any election of the city of Waupaca and in the ward where they offer their vote, shall be deemed qualified electors of said city and ward.

Challenge of votes.

SECTION 6. If either of the inspectors of elections or aldermen shall suspect that any person offering to vote does not possess the necessary qualifications of an elector, or if such vote be challenged by an elector, the inspectors or aldermen, before receiving any such vote, shall require the voter offering his vote to take the following oath: "You do solemnly swear

Oath of elector.

(or affirm, as the case may be), that you are twenty-one years of age, that you are a citizen of the United States (or have declared your intentions to become a citizen, conformably to the laws of the United States on the subject of naturalization); that you have resided in the state of Wisconsin one year next preceding this election; and that you are now an actual resident in the city of Waupaca, and within this ward; and that you have not voted at this election, and that you have made no bet or wager depending on the result of this election." And if the person offering to vote shall take such oath, his vote shall be received, and if such person shall take such oath falsely, he shall be deemed guilty of wilful and corrupt perjury, and upon conviction thereof shall suffer the punishment provided by law for persons guilty of perjury. If any person, not a qualified voter, shall vote at any election, or if any person duly qualified shall vote in any other ward than the one in which he resides; or shall vote more than once at any election, he shall be deemed guilty of a misdemeanor, and on conviction thereof shall forfeit and pay a sum not exceeding one hundred dollars, nor less than twenty-five dollars. It shall be the duty of inspectors to keep a list of the names of all persons whose votes may be challenged as aforesaid, and shall swear in their votes; and if any inspector or alderman shall knowingly and corruptly receive the vote of any person not authorized to vote, or shall make out false returns of any election, or if any clerk shall not write down the name of every voter as he votes, or shall wilfully make untrue and incorrect counts and tallies of votes, each and every inspector or clerk shall be liable to prosecution, and, upon conviction thereof, shall severally forfeit and pay a sum not exceeding five hundred dollars, nor less than one hundred dollars. All such prosecutions shall be tried in the circuit court for the county of Waupaca.

Penalty for illegal voting.

Penalty for making false returns.

Special elections.

SECTION 7. Special elections to all vacancies, or for any other purpose, shall be held and conducted by the aldermen and justice of the peace of each ward as inspectors, as provided by this act, and returns thereof shall be made in the same time, manner and form as of general or annual elections.

Election of aldermen.

SECTION 8. There shall be elected annually (after the first election), on the first Tuesday in April, one al-

derman in each ward, who shall hold his office for two years.

When offices shall be deemed vacant.

SECTION 9. Any officer removing from the city, and any ward officer removing from the ward for which he was elected, and any officer who shall neglect or refuse to qualify on or before the second Tuesday of April next after his election, shall be deemed to have vacated his office and the common council shall proceed to fill such vacancy as herein provided. All officers appointed or elected to fill any vacancy shall enter upon the duties of such office immediately after receiving notice of such election or appointment.

Terms of office.

SECTION 10. The term of every officer elected under this law shall, after the election, commence on the second Tuesday of April of the year for which he was elected, and shall, unless hereafter or heretofore otherwise provided, continue for one year and until his successor is elected and qualified. And each of said officers shall have such powers and perform such duties as are prescribed in this act or as may be prescribed in any ordinance of said city not inconsistent with this act or which may not be incompatible with the nature of their respective offices.

Powers and duties of officers.

When council may order new election.

SECTION 11. Should there be a failure by the people to elect any officer herein required to be elected on the day designated, the common council may order a new election to be held, ten days' notice of the time and place of holding the election being first given, and said election shall be conducted in all respects, so far as practicable, in the same manner as annual elections are herein provided for.

First city election—how to be conducted.

SECTION 12. The board of trustees of the village of Waupaca, or a majority of them, at a meeting which shall be held by them, on the 17th day of March, A. D. 1875, appoint a place in each ward, for holding the first election of officers in said city, and shall appoint three inspectors, and one clerk of election in each ward, and give notice of such election, stating the places where the same shall be held, and the names of the persons so appointed, at least four days previous to such election, by publishing the same in the newspapers printed within the limits of said city; such inspectors shall, at such first election, have the powers and duties conferred by this chapter on the aldermen and justices of the peace of each ward, acting as inspectors of elections; said election shall be held at the same time of day, and conducted in the same manner as the annual elections provided for in

printed blanks and blank-books, with printed matter therein, and for printing all books and pamphlets required by said county during the ensuing year.

Advertisement to be inserted six days.

SECTION 2. Said advertisement shall be inserted in the official papers of said county for six successive days, and at the hour appointed in said advertisement, the proposals shall be publicly opened by said county board of supervisors, and the contract awarded to the lowest bidder.

Contract to be awarded to lowest bidder.

Contractor to give bonds.

SECTION 3. Any person to whom a contract shall be awarded under the provisions of this chapter shall give bonds in double the estimated amount of the work needed during the year.

SECTION 4. This act shall take effect and be in force from and after its passage and publication.

Approved March 4, 1875.

CHAPTER 250.

[*Published March* 15, 1875.]

AN ACT to provide for the free and unobstructed navigation of the west branch of the Kickapoo river between certain points therein designated.

The people of the state of Wisconsin, represented in Senate and Assembly, do enact as follows:

West branch of Kickapoo river to be public highway.

SECTION 1. That the west branch of the Kickapoo river in all its meanderings between the north line of township twelve (12) north, range three (3) west in Vernon county, state of Wisconsin, and the junction of said west branch with the main Kickapoo river in said county, shall hereafter be held to be a public highway or thoroughfare, of free and unobstructed navigation, to all persons, for the purposes of rafting lumber and timber.

Unlawful to obstruct same.

SECTION 2. It shall be unlawful for any person or persons, in any way or by any means whatever, to obstruct said west branch of said Kickapoo river, so as to hinder or obstruct the free navigation thereof as provided in the next preceding section of this act.

Penalty for violation.

SECTION 3. Any person or persons offending against the provisions of this act shall be deemed guilty of a misdemeanor, and on conviction thereof shall be ad-

lar meeting authorize, which appointments shall be approved by the common council before they shall enter upon the duties of their office; and the compensation of the chief of police shall not exceed two dollars and fifty cents per day, to be determined by the common council; and the said policemen for the respective wards shall receive the fees allowed to the constables for the same services, and in addition may be paid such compensation for extra services ordered by the mayor or common council, not exceeding one dollar per day, as the common council may determine. The mayor may also appoint as many special or temporary police on election days or other public or unusual occasions, as he may think proper, but no such special or temporary police shall be paid any compensation for his services out of the city treasury, unless otherwise ordered by a vote of three-fourths of all the members of the common council. The common council may by ordinance prescribe the powers and duties of police and other peace officers. The mayor shall communicate in writing to the common council, once a year, such information as he may deem necessary, and at all times give such information as the common council may require. The mayor shall have power to administer oaths and affirmations, take acknowledgments of deeds and other instruments, and perform marriage ceremonies.

Appointment and compensation policemen,

SECTION 3. At the first meeting of the common council in each year, or as soon thereafter as may be, they shall proceed to elect by ballot one of their number president, and in the absence of the mayor the said president shall preside over the meetings of the common council, and during the absence of the mayor from the city, or his inability from any cause to discharge the duties of his office, the president shall exercise all the powers and discharge all the duties of mayor. In case the mayor and president shall be absent from any meeting of the common council, they shall proceed to elect a temporary presiding officer who, for the time being, shall discharge the duties of mayor. The president or temporary presiding officer while presiding over the council, or performing the duties of mayor, shall be styled acting mayor, and acts performed by them shall have the same force and validity as if performed by the mayor. But the president of the council, as acting mayor, shall sign no order, warrant, or other proceeding

President of council.

whatever which the mayor has refused to sign and communicated such refusal to the council.

City clerk.

SECTION 4. The common council shall elect a city clerk; he shall keep the corporate seal and all the papers and records of the city; he shall attend the meetings and keep a record of the proceedings of the common council. The records of the common council kept by him shall be evidence in all legal proceedings, and copies of all papers filed in his office and transcripts from the records certified by him under the corporate seal, shall be evidence in like manner as if the original were produced. He shall keep a full and accurate account of all certificates of appropriation and orders drawn on the city treasury in a book provided for that purpose, and shall also keep an accurate account with the treasurer, and charge him with all the tax-lists delivered to him for collection, and all sums of money paid into the treasury. Whenever the clerk shall be absent from any meeting, the city council may appoint a clerk *pro tem.* The city clerk shall have power and authority to administer oaths and affirmations, and take acknowledgments of deeds and other instruments. He may appoint a deputy in writing, under his hand, and file such appointment in his office, and such deputy, in case of absence or disability of the clerk, shall act in his place.

City treasurer.

SECTION 5. The treasurer shall receive all moneys belonging to the city, and keep an accurate and detailed account thereof, together with an account of all disbursements in such manner as the common council shall direct. He shall report to the common council as often as required, and annually at least ten days before the annual election, a full and detailed account of all receipts and expenditures after the date of the last annual report, and also of the state of the treasury, which statement shall be filed with the clerk.

Chief of police.

SECTION 6. The chief of police shall perform such duties as shall be prescribed by ordinance for the preservation of the public peace, and the collection of fines and license money. He shall possess all the powers and perform all the duties of a constable under the laws of the state, and receive like fees, but he shall not go beyond the city limits to make arrests or to serve any process, unless the cause for making such arrest or for issuing such process arose within the city; and the said policemen of said city shall be

under the control and direction of the mayor and chief of police, and shall have all the powers, and shall perform all duties of a constable under the laws of the state of Wisconsin. But no fees shall be paid by the city to the chief of police or any policeman for making any arrest or serving any civil or other process.

Further duties of officers.

SECTION 7. The common council shall have power from time to time to require other and further duties to be performed by any officer whose duties are herein prescribed, and to appoint such other officers as may be necessary to carry into effect the provisions of this act, and to prescribe their duties, and to fix the compensation of all officers elected or appointed by them, such compensation to be fixed by resolution at the time the office is created, or at the commencement of the year, and shall not be increased or diminished during the term such officers shall remain in office.

Compensation not to be changed.

Official paper.

SECTION 8. The common council shall, at their first meeting, or as soon thereafter as may be, and annually thereafter, designate a newspaper, printed and published in the county of Waupaca, to publish all ordinances and by laws, and to do all other printing under the provisions of this act, and they may let the same by contract to the lowest responsible bidder for the term of one year; and the printer of said newspaper shall, either in person or by his foreman, file with the clerk of the city, his or their affidavits of the length of time said ordinance, by-law or proceeding, has been published, and such affidavit shall be prima facie evidence of the publication of such notice, ordinance, proceeding or by-law.

Penalty for neglect to deliver books and records to successor.

SECTION 9. If any person having been an officer in said city, shall not within ten days after notification and request, deliver to his successor in office all property, money, books, papers and effects of every description in his posession belonging to said city, or pertaining to the office he may have held, he shall forfeit and pay to the use of the city one hundred dollars, besides all damages caused by his neglect or refusal so to deliver, and such successor may recover the posession of such books, papers, and effects in the manner prescribed by the laws of this state.

Peace officers—their powers and duties.

SECTION 10. The mayor, sheriff of Waupaca county, each and every alderman, justice of the peace, policeman and watchman, shall be officers of the peace, and suppress in a summary manner, all rioting and dis-

made so as to make passable and facilitate the running of logs and timber through said creek and lakes into the Chippewa River.

Corporators shall build suitable slides.

SECTION 2. The said Franklin Holman, his associates, heirs and assigns, shall build suitable slides and gates in said dams for flooding purposes, and for the purpose of sluicing and driving logs and timber over, through, and beyond said dams into the Chippewa River, and shall keep the same in repair, and shall hold the water back for the above named purposes, whenever the case may require, and for that purpose said gates shall be closed.

Rates of toll.

SECTION 3. The said Franklin Holman, his associates, heirs and assigns, are hereby authorized and empowered to charge, collect, sue for, and recover tolls for the use of the waters collected by said dams, and for the use of their other improvements, as follows: On all logs and timber put into said creek or the lakes thereof west of the west line of sections number twenty-two (22) and twenty-seven (27), of the town and range aforesaid, and below said dams, the sum and rate of seven and one-half cents per thousand feet; and on all logs put in above said dams, the sum and rate of fifteen cents per thousand feet; and said tolls shall be a lien upon the logs and timber chargeable with the same, which lien may be enforced in the same manner in which other liens upon logs or timber are enforced under the general laws of the state of Wisconsin, or the lien law applicable to Chippewa county; *provided*, that no tolls shall be charged or collected on logs or timber put into said creek or lakes east of the west line of said sections twenty-two (22) and twenty-seven (27); and *provided further*, that the said Holman, his associates, heirs or assigns, shall not be entitled to charge or receive toll as aforesaid, until said dams, booms and improvements shall have been completed so that the said creek and the lakes therein below said dams shall be made suitable for driving logs and timber therein to the Chippewa river.

Proviso.

Control of dams

SECTION 4. The control of said dams, slides, gates and improvements, shall belong to the said Franklin Holman, his heirs, associates and assigns, but subject always to the provisions of section two (2) of this act.

SECTION 5. This act shall take effect and be in force from and after its passsage.

Approved March 5, 1875.

disorderly conduct, keeping houses of ill-fame or of frequenting the same, and of keeping or maintaining disorderly and ill governed houses, said justices shall have power in addition to the fine or penalty imposed to enter judgment for costs of prosecution against the defendant, and to compel such offenders to give security for their good behavior and to keep the peace for a period not exceeding six months, and in a sum not exceeding five hundred dollars. The said justice shall have the same power and authority in case of contempt as a court of record; *provided*, that nothing herein contained shall be deemed to divest the circuit judges of their authority as conservators of the peace, nor to effect in any manner the jurisdiction or powers of the circuit courts or supreme court of this state. In case of absence, sickness, or other inability of such justice, or for any sufficient reason, the mayor, by warrant, may authorize any justice of the peace within said city to perform the duties of said justice for the city, and it shall thereupon be the duty of the mayor to inform the city attorney and the police of such substitution, and make report thereof to the common council, and they may confirm or set aside such appointment, or appoint some other justice of the peace; and the justice of the peace so appointed shall for the time being possess all the authority, powers and rights of said police justice; all the fines and penalties imposed by the police justice for offenses committed within the city limits, or for violation of any ordinance, by-law or regulation of said city, shall belong to and be a part of the finances of said city.

Proviso.

In case of inability of police justice.

SECTION 12. The police justice shall quarterly report to the common council a list of all proceedings instituted before him in behalf of the city, and the disposition thereof, and shall at the same time, account for and pay over to the treasurer the amount of all penalties and fines collected, which may by law accrue to the city. The city shall not be liable for or pay any costs for violation of any law of this state, and such justice shall pay to the county treasurer all fines collected for offenses against the laws of this state, in the same manner that justices of the peace are required by law to do.

Police justice to report to common council and pay over fines collected to treasurer.

SECTION 13. On the third Tuesday of April in each year, or within ten days thereafter, the common council may elect one superintendent of streets, and a city surveyor, each one of which shall hold his of-

Superintendent of streets and city surveyor.

fice until the next third Tuesday in April, and the common council shall have power to fill from time to time, vacancies that may exist in said offices.

Assessing districts and assessors.

SECTION 14. The common council shall, on or before the first Tuesday of May in each year, by an ordinance, divide said city into two districts to be styled assessing districts, and shall at such meeting elect an assessor for each of said districts who shall hold their respective offices for the term of one year, and until their successors are elected and qualified.

Duties of assessors.

SECTION 15. The assessor so elected shall assess all the taxable property of their said districts as required by law, and each shall complete and return their assessment rolls to the common council on or before the first Monday of July in each year. During the last month of June, in each year, the assessors shall attend at the common council chamber for the purpose of hearing the complaints of persons who may feel themselves aggrieved by such assessments, and shall make alterations and such amendments thereto as justice and equity may require. The assessors shall receive for their services such compensation as the common council may determine, not exceeding the sum of two hundred dollars each for the term for which they were elected. The said assessors, together with the mayor, or, in his absence or disability, the president, city clerk, and city treasurer, shall constitute a city board of equalizers, and they shall meet at the office of the city clerk of said city on or before the third Monday of July in each year, and proceed to equalize the said several assessments in the same manner in all respects, as town boards of equalizers are now authorized by law to do.

Compensation of assessors.

City board of equalizers.

Duties of superintendent of streets.

SECTION 16. The superintendent of streets shall perform the duties, and, under the restrictions and for the compensation prescribed in section seven of chapter six of this act, and such other duties as may be required of him by this act and the ordinances of the common council of said city, not inconsistent with this act.

City surveyor—his duties.

SECTION 17. The city surveyor shall be a practical surveyor and engineer. He shall keep his office at some convenient place within said city, and the common council shall prescribe the duties and fix the fee and compensation for any service performed by him. All surveys, profiles, plans and estimates made by him for the city, shall be the property of the city, and shall be carefully preserved in the office of the

surveyor, open to the inspection of the parties interested, and the same, together with all the books and papers appertaining to said office, shall be delivered over by the surveyor at the expiration of his term of office to his successor or to the common council.

CHAPTER IV.

THE COMMON COUNCIL—ITS GENERAL POWERS AND DUTIES.

Common council—powers and duties.

SECTION 1. The mayor and alderman shall constitute the common council, and the style of all ordinances shall be, "The common council of the city of Waupaca do ordain," etc. The common council shall meet at such time and place as they by resolution shall direct. A majority of the aldermen shall constitute a quorum.

Shall hold stated meetings.

SECTION 2. The common council shall hold stated meetings, and the mayor may call special meetings by notice to each of the members, to be served personally, or left at their usual place of abode. The common council shall determine the rules of its own proceedings, and be the judge of the election and qualification of its own members, and have power to compel the attendance of absent members, and to enforce its rules, to punish by fine and imprisonment, by a vote of two-thirds of its members, any member for disorderly or contemptuous conduct, and by a vote of two-thirds of its members may expel any member for cause.

General powers of council.

SECTION 3. The common council shall have the control and management of the finances, and of all property of the city; and shall likewise, in addition to the powers herein vested in them, have full power to make, enact, ordain, establish, publish, enforce, alter, modify, amend, and repeal all such ordinances, rules, and by-laws for the government and good order of the city, for the suppression of vice and immorality, for the prevention of crime, and for the benefit of trade, commerce, and health, as they shall deem expedient, declaring and imposing penalties, and to enforce the same against any person or persons who may violate any of the provisions of such ordinance, rule and by-law, and such ordinances, rules and by-laws are hereby declared to be and have the force of law; *provided*, they are not repugnant to the constitution and laws of the United States or of

this state; and for these purposes shall have authority, by ordinances, resolutions or by-laws:

To license shows, places of amusement, etc

1st. To license and regulate the exhibition of common showmen or shows of any kind, or the exhibition of caravans, circuses, or theatrical performances, billiard-tables, bagatelle-tables, pigeon-hole-tables, and bowling saloons, etc., and to provide for the abatement and removal of nuisances under the ordinances or at common or statute law, and to grant licenses for selling spirituous, vinous or fermented liquors, and to regulate and license groceries, taverns, victualing houses, and all persons vending or dealing in spirituous, vinous or fermented liquors, and to revoke the same for a violation thereof; *provided*, that the sum to be paid for any such license shall not be less than the amount fixed and provided by the laws of the state, and that no license shall be granted for a less time than one year from the date of filing the application for such license in the office of the city clerk; and in case the person so applying for a license shall have a former license within the year next preceding such application, then such license shall be granted for the term of one year from the date of the expiration of such former license.

To license selling of liquors.

Proviso.

To prevent gambling, and sale of liquors without license

2d. To restrain and prohibit all descriptions of gaming and fraudulent devices and practices, and all playing of cards, dice or other games of chance, for the purpose of gaming in said city, and restrain any person from vending, giving or dealing in spirituous or vinous liquors, unless duly licensed by the common council.

To prevent rioting, noise, etc.

3d. To prevent any riots, noise, disturbance or disorderly assemblages, suppress and restrain disorderly houses or groceries, and houses of ill-fame, and to authorize the destruction of all instruments used for the purpose of gaming.

To abate nuisances.

4th. To compel the owner or occupant of any grocery, cellar, tallow chandler's shop, soap factory, tannery, stable, barn, privy, sewer, or other unwholesome, or nauseous house or place, to cleanse, remove or abate the same from time to time, as often as it may be deemed necessary for the health, comfort and convenience of the inhabitants of said city.

To direct location of slaughter-houses markets, etc.

5th. To direct the location and management of slaughter-houses and markets, and to prevent the erection, use or occupation of the same, and to establish rates for, and license venders of gunpowder, and

other to the county clerk for the county of Waupaca. The mayor of the city, and such members of the common council as shall hold over, shall constitute a board of canvassers, who shall within five days after such election, meet at the common council chamber and canvass such returns, and after the aforesaid returns have been canvassed by said board, the mayor shall notify by a certificate the persons elected to the respective offices. The polls shall be kept open in the respective wards from nine o'clock in the forenoon until five o'clock in the afternoon. Said elections shall be conducted in accordance with this act, and of the existing laws of the state of Wisconsin, and any frauds or violation of said laws at such elections shall be punishable in the same manner as any violation of the election laws in any part of the state.

Vacancies—how filled.

SECTION 3. In the event of a vacancy in the office of mayor, police justices or aldermen, by death, removal, or other disability, the common council shall order a new election, and shall give five days' notice thereof. Any vacancy in other offices shall be filled by the common council. The person appointed or elected to fill a vacancy, shall hold his office and discharge the duties thereof for the unexpired term, with the same rights and subject to the same liabilities as the person whose office he may be elected or appointed to fill.

Elections by people to be by ballot.

SECTION 4. All elections by the people shall be by ballot, and a plurality of votes shall constitute an election. All elections by the council shall be viva voce. When two or more candidates for an elective office shall receive an equal number of votes for the same office, the election shall be determined by the casting of lots in the presence of the council, at such time and in such manner as they may direct.

In case of tie vote.

Qualification of electors.

SECTION 5. All persons who are qualified electors of the state of Wisconsin, and who shall be bona fide residents in the city at time of any election of the city of Waupaca and in the ward where they offer their vote, shall be deemed qualified electors of said city and ward.

Challenge of votes.

SECTION 6. If either of the inspectors of elections or aldermen shall suspect that any person offering to vote does not possess the necessary qualifications of an elector, or if such vote be challenged by an elector, the inspectors or aldermen, before receiving any such vote, shall require the voter offering his vote to take the following oath: "You do solemnly swear

Oath of elector.

tality, and to exempt burial grounds, set apart for public use, from taxation.

To establish size and weight of bread.

13. To establish the size and weight of bread, and to provide for the seizure and forfeiture of bread baked contrary thereto.

To protect sidewalks.

14th. To prevent all persons riding or driving any horse, or mule, cattle and other animals on the sidewalks in said city, or in any way doing damage to said sidewalks.

To prevent shooting of firearms, etc.

15th. To prevent shooting off firearms or crackers, and to prevent the exhibition of fireworks in any situation which may be considered by the council dangerous to the city or any property therein, or annoying to the citizens thereof.

To restrain drunkenness.

16th. To restrain drunkards, immoderate drinking, or obscenity, in the streets or public places, and to provide for the arresting, removing and punishing any person or persons who may be guilty of the same.

To restrain runners.

17th. To restrain and regulate runners and solicitors for stages, cars, public houses and other establishments.

To regulate police.

18th. To make rules and ordinances for the government and regulation of the police of the city.

To establish and regulate markets.

19th. To establish public markets and make rules and regulations for the government of the same; to appoint suitable officers for overseeing and regulating such markets, and to punish or restrain all persons from interrupting or interfering with the due observance of such rules and regulations; to license and regulate butcher stalls, shops and stands for the sale of game, poultry, meats, fish and other articles.

To regulate weighing of hay, etc.

20th. To regulate the place or places, and manner of weighing and selling hay, and measuring and selling fuel, lime, and other gross commodities and to appoint suitable persons to superintend and conduct the same.

To compel removal of dirt and rubbish.

21st. To compel the owners of buildings or grounds, or the occupants where the same are occupied, to remove snow, dirt or rubbish from the sidewalks, street or alley opposite thereto, and to compel such owner or occupant to remove from the lot owned or occupied by him all such substances as the board of health shall direct; and in default, to authorize the removal of or destruction of all the objectionable substances by some officer of the city, at the expense of such owner or occupant.

To preserve health of city.

22d. To regulate, prevent and control the landing

of persons from cars and stages, or other conveyances, wherein are contagious and infectious diseases or disorders, and to make such disposition of such persons as to preserve the health of the city.

23d. To regulate the time and manner of holding public auctions and vendues. To regulate auctions.

24th. To appoint watchmen and prescribe their duties. To appoint watchmen.

25th. To provide by ordinance for a standard of weights and measures, and for the punishment of any person using, or keeping for use, any false weights and measures. To regulate weights, and measures.

26th. The common council shall have jurisdiction over the entire waters within the city, so as to prevent any deterioration of the waters, or any nuisance being cast therein by which the health of the inhabitants of the city, or the purity of the waters, shall be impaired, or for any other purpose authorized in this act. To prevent deterioration of waters.

27th. The common council shall have power to require the owner of any lot or grounds in the city to set out ornamental trees in the street or streets fronting on the same, and in default thereof, to cause the same to be done and to levy a special tax upon such lot or grounds to pay the expense of the same. To compel planting of shade trees.

SECTION 4. No appropriation shall be made, nor shall any debt be created or liability incurred against the city, except by a vote of a majority of all the members of the council; and all laws, ordinances, rules and resolutions shall be passed by an affirmative vote of a majority of all the members of the common council, and ordinances, before the same shall be in force, shall be signed by the mayor, and all resolutions or measures for the appropriation of money, whereby a debt shall be created against or a liability incurred by the city, shall be approved by the mayor before the same [shall] be in force; *provided*, that in case the mayor shall refuse to sign any ordinance or any certificate of the appropriation of money or shall refuse to approve any resolution or by-law creating a debt or establishing a liability against the city, four aldermen voting in the affirmative shall have power to repass such ordinance, resolution, by-law or certificate, notwithstanding the objections of the mayor; and all ordinances shall be published in a public newspaper printed in the county of Waupaca, which may have been selected by the common council to do the printing for the city, and How appropriations, ordinances, etc., shall be made. Proviso.

this act, so for as practicable, and when the first election under this act shall be closed, the number of votes for each candidate or person voted for, shall be counted and ascertained by said inspectors, who shall make return thereof, stating the number of votes for each person, for each and every office, and shall deliver or cause to be delivered, such returns to the county clerk of Waupaca county within two days after such election; within five days after such election, the county clerk, county judge, and the register of deeds of said county, shall meet and canvass the said returns, and determine who shall have been properly elected officers of said city and wards, and shall cause such determinations to be published in the newspapers printed in said city limits, and shall notify each of the officers of his election to his respective office.

Canvass of returns.

Time of holding first election.

SECTION 13. The first election of officers under the provisions of this act, shall be held on the fourth Tuesday of March, A. D. 1875.

CHAPTER III.

OFFICERS—THEIR POWERS AND DUTIES.

Officers to subscribe oath of office.

SECTION 1. Every person elected or appointed to any office under this act, shall, before he enters upon the duties of his office, take and subscribe an oath of office, and file the same, duly certified by the officer taking the same, with the city clerk; and the treasurer, chief of police, street superintendent, police justices and justices of the peace, and such other officers as the common council may direct, shall severally, before they enter upon the duties of their respective offices, execute to the city of Waupaca a bond, in such sum and with such security and such conditions as the common council may direct; and the common council may, from time to time, require new or additional bonds, and remove from office any officer refusing or neglecting to give the same.

To give bonds.

Mayor—his powers and duties.

SECTION 2. The mayor when present shall preside over the meetings of the common council, and shall take care that the laws of the state and the ordinances of the city within the corporation, are duly enforced and observed, and that all officers of the city discharge their respective duties. He shall also appoint a chief of police and such further number of policemen, as the common council may at any regu-

CHAPTER V.

OPENING OF STREETS, ALLEYS, ETC.

Opening of streets, alleys, etc.,—mode of procedure.

SECTION 1. The common council shall have power to lay out public squares, grounds, streets and alleys, and to widen the same, and to make all necessary and proper improvements within the limits of said city as follows: Whenever ten or more freeholders residing in any one ward, shall, by petition, represent to the common council that it is necessary to take certain lands within the ward where such petitioners may reside, for the public use, for the purpose of laying out public squares, grounds, streets or alleys, or the enlarging or widening of the same, or for other public improvements, the courses and distances, metes and bounds of the lands proposed to be taken, together with the names and residence of the owners of such premises, if the same shall be known to the petitioners, to be set forth in such petition, the common council shall thereupon cause notice of such application to be given to the occupant or occupants, owner or owners of such land, or if a portion of such lands shall not be in the actual occupation of any person, and the owner or owners are non-residents of the said city, then the common council shall cause such notice, describing as near as may be the premises proposed to be taken, to be published in the official paper for four weeks, at least once in each week.

Notice to be given to owners of grounds to be taken.

SECTION 2. Such notice shall state that on a certain day therein to be named, not less than ten days from the service of such notice, or the expiration of such publication, as the case may be, application will be made to the judge of the circuit or county court of Waupaca county for the appointment of six jurors to view said premises, and to determine whether it will be necessary or expedient to take the same for the purposes specified in such petition.

Jury to view premises to be taken.

SECTION 3. Upon the presentation of such application, and upon proof of publication or service of the notice herein required, the said judge shall thereupon appoint six reputable freeholders, residents of the city, but not residents of the ward in which such premises may lie, or interested in such application. The said judge shall thereupon issue his precept, directed to said jurors, requiring them within thirty days to view said premises, to be specified in said pre-

cept, and to make return under their hands to the common council, whether, in their judgment, it is necessary to take said premises for the purpose specified in such application.

In case any juryman is disqualified.

SECTION 4. If any of the jurors so appointed shall be disqualified from acting, or shall refuse to act, the judge shall appoint others, in their places, and a memorandum of such substitution shall be endorsed on the precept.

Jury to take testimony.

SECTION 5. The said jurors at such times as they may agree upon, shall proceed in a body to view the premises in question, and shall hear such testimony as may be offered by any party interested, which testimony shall be reduced to writing by one of the jurors; and either of the jurors shall be authorized to administer the necessary oaths to witnesses.

To report proceedings.

SECTION 6. After viewing the premises and hearing such testimony as may be offered, the jurors shall make a report of their proceedings, which shall be signed by them respectively, and which shall state whether, in their judgment, it is necessary to take the premises in question for the public use, which said report, testimony and precept, shall be returned to the common council within the time limited therein.

Jury to assess damages or benefits.

SECTION 7. Should the jurors report that it is necessary to take such premises, the common council shall enter an order among the proceedings confirming said report, and directing the same jurors, within one month thereafter, or such further time as they may deem proper, to again view said premises for the purpose of ascertaining and determining the amount of damages to be paid to the owner or owners of the property proposed to be taken, and also what lands and premises will be benefited by such taking, and to assess and return within the time limited such damages and benefits to the common council.

When lands occupied by buildings.

SECTION 8. If there should be any building standing in whole or in part upon the lands to be taken, the jurors before proceeding to make their assessment, shall first estimate and determine the whole value of such building to the owner, aside from the value of the land, and the injury to him in having such building taken from him; and secondly the value of such building to remove.

Ten days' notice of determination to be given.

SECTION 9. At least ten days' personal notice of such determination shall be given to the owner or his agent, if known, and a resident of the city, or left

at his usual place of abode. If not known, or a non-resident, notice to all persons interested shall be given by publication in the official paper three successive weeks. Such notice shall specify the building and the award of the jurors. It shall also require the parties interested to appear by a day therein named, or give notice of their election to the common council either to accept the award of the jurors, and allow such building to be taken with the land appropriated or their intention to remove said building, at the rate set thereon by the jurors to remove. If the owner shall agree to remove such building, he shall have such time for this purpose as the common council shall allow.

Building to be sold in certain cases.

SECTION 10. If the owner refuse to take the building at the value to remove, or fail to give notice of his election as aforesaid within the time prescribed, the common council shall have power to direct the sale of such building at public auction for cash, giving ten days' notice of such sale. The proceeds shall be paid to the owner, or deposited for him in the city treasury.

Duty of jury in making assessment.

SECTION 11. The said jurors within the time limited, shall view and examine the premises proposed to be taken, and all such premises as will, in their good judgment, be injured or benefitted thereby. After hearing such testimony as may be offered by any party interested, and which shall be reduced to writing by one of said jurors, they shall proceed to make their assessment, and to determine and appraise to the owner or owners the value of the real estate so proposed to be taken, and the injury arising to them, respectively, in consequence of the taking thereof, which shall be awarded to such owner or owners, respectively as damages, after making due allowance therefrom for any benefit such owners may respectively derive from such improvement. In the estimate of damages to the land, the jurors shall include the value of the building or buildings, (if the property of the owners of such land), as estimated by them as aforesaid, less the proceeds of the sale thereof, or if taken by the owner at the value to remove, in such case they shall only include the differences between such value and the whole estimated value of such building or buildings.

To ascertain difference to be paid to or received by owner.

SECTION 12. If the damages to any person be greater than the benefit received, or if the benefit be greater than the damages, in either case the jurors shall

orderly behavior within the limits of the city, and for such purposes may command the assistance of all by-standers, and if need be of all citizens and military companies. If any person, by-stander, military officer or private, shall refuse or neglect to aid in maintaining the peace when so required, every such person shall forfeit and pay a fine of fifty dollars; and in case the civil power may be required to suppress riots or disorderly behavior, the superior or senior officer present, in the order above mentioned in this section, shall direct the proceedings.

Police justice—power and authority of.

SECTION 11. The police justice shall have and possess all the authority, powers and rights of a justice of the peace in civil proceedings, and shall have sole exclusive jurisdiction to hear all complaints, and conduct all examinations and trials in criminal cases within the city, cognizable before a justice of the peace; but warrants returnable before said justice may be issued in criminal cases by any other justice in the city, but no fees shall be received therefor by said justice. The said justice shall have exclusive jurisdiction in all cases cognizable before a justice of the peace in which the city is a party, and shall have cognizance and exclusive jurisdiction of all suits, prosecutions, or proceedings for the recovery of any fine, forfeiture or penalty under any by-law, ordinance or regulation of said city of Waupaca, or its charter, or for a breach or violation of any such ordinance, by-law and regulation, and in all cases of offenses committed against the same. All prosecutions for assaults, batteries and affrays not indictable, and for a breach or violation of any such by-law, ordinance or regulation, shall be commenced in the name of the city of Waupaca, and the same proceedings shall be had in all civil and criminal suits before said justice, where not otherwise herein directed, as are established and required to be had in civil and criminal actions by the laws of this state before a justice of the peace: *provided*, that in cases of prosecution for a breach or violation of an ordinance, by-law, or regulation of said city, or its charter, or for any (*assessment*) assault, battery, or breach of the peace, or any affray not indictable, committed within the city limits, no appeal shall be allowed where the judgment or fine imposed, exclusive of costs, in less than twenty-five dollars ($25.00.) In all cases of conviction for assaults, batteries and affrays within the said city, and in all cases of conviction under any ordinance of said city for any breach of the peace,

Exclusive jurisdiction in certain cases.

Prosecutions to be commenced in name of city.

No appeal in certain cases.

subject to contribute to the payment of the same, shall be ascertained, and the city clerk shall forthwith issue to each person occupying such premises, liable to contribute, a certificate stating the amount assessed and chargeable to the premises occupied by such person, and the amount so chargeable to any particular lot or parcel of land shall be from the time it is so ascertained, a lien and charge thereon, and upon no other property; and the said amount shall be entered against such lot or lots in the tax warrant for the year in which the assessment is made, and collected in the same manner as other taxes. The damages assessed shall be paid or tendered, or deposited, as herein required, within twelve months from the confirmation of such assessments and reports; and if not so paid, tendered or deposited, all proceedings in such case shall be void.

Damages to be paid within twelve months.

SECTION 17. When the whole of any lot or tract of land, or other premises, under lease or under contract, shall be taken by virtue of this act, all the covenants, contracts or engagements between landlord and tenant or any other contracting parties, touching the same or any part thereof, shall, upon the confirmation of such report, respectively cease and be absolutely discharged.

When land to be taken is under lease or contract.

SECTION 18. When only part of a lot or tract of land or other premises so under lease or other contract shall be taken for any of the purposes aforesaid, all the covenants, contracts or agreements respectively, the same, upon the confirmation of such report, shall be absolutely discharged as to the part thereof so taken, but shall remain valid as to the residue thereof, and the rents, considerations and payments reserved, payable and to be paid for and in respect to the same, shall be so proportioned that the part thereof justly and equitably payable for such residue thereof, and no more, shall be paid or recoverable for or in respect to the same.

When part of land is under lease or contract.

SECTION 19. When any known owner of lands or tenements affected by any proceedings under this act shall be an infant, or labor under any disability, the judge of the circuit court of Waupaca county or the judge of any court of record in said county, may, upon the application of the common council, or such party or his next friend, appoint a guardian for such party, and all notices required by this act shall be served on such guardian.

When owner of land is under legal disability.

SECTION 20. After the jurors shall have made their

fice until the next third Tuesday in April, and the common council shall have power to fill from time to time, vacancies that may exist in said offices.

Assessing districts and assessors.

SECTION 14. The common council shall, on or before the first Tuesday of May in each year, by an ordinance, divide said city into two districts to be styled assessing districts, and shall at such meeting elect an assessor for each of said districts who shall hold their respective offices for the term of one year, and until their successors are elected and qualified.

Duties of assessors.

SECTION 15. The assessor so elected shall assess all the taxable property of their said districts as required by law, and each shall complete and return their assessment rolls to the common council on or before the first Monday of July in each year. During the last month of June, in each year, the assessors shall attend at the common council chamber for the purpose of hearing the complaints of persons who may feel themselves aggrieved by such assessments, and shall make alterations and such amendments thereto as justice and equity may require. The assessors shall receive for their services such compensation as the common council may determine, not exceeding the sum of two hundred dollars each for the term for which they were elected. The said assessors, together with the mayor, or, in his absence or disability, the president, city clerk, and city treasurer, shall constitute a city board of equalizers, and they shall meet at the office of the city clerk of said city on or before the third Monday of July in each year, and proceed to equalize the said several assessments in the same manner in all respects, as town boards of equalizers are now authorized by law to do.

Compensation of assessors.

City board of equalizers.

Duties of superintendent of streets.

SECTION 16. The superintendent of streets shall perform the duties, and, under the restrictions and for the compensation prescribed in section seven of chapter six of this act, and such other duties as may be required of him by this act and the ordinances of the common council of said city, not inconsistent with this act.

City surveyor—his duties.

SECTION 17. The city surveyor shall be a practical surveyor and engineer. He shall keep his office at some convenient place within said city, and the common council shall prescribe the duties and fix the fee and compensation for any service performed by him. All surveys, profiles, plans and estimates made by him for the city, shall be the property of the city, and shall be carefully preserved in the office of the

relative thereto, at the meeting when such ordinance, resolution or by-law was introduced, shall have been published in the official newspaper of the said city.

Grade of streets.

SECTION 2. The common council of the city of Waupaca shall have power to establish the grade of the streets of said city, and to change and re-establish such grade, as they shall deem expedient; *provided*, that whenever they shall change or alter the grade of any street, any person who shall claim to have sustained damages by such change or alteration of grade, shall have his right of action against the city for the recovery of such damages, but no suit shall be commenced against the city therefor until application has been made to the common council to pay such damages, and said council shall have refused or neglected for three months to pay or settle the same.

Duty of superintendent of streets.

SECTION 3. It shall be the duty of the superintendent of streets to see that all the ordinances of the city relating to the obstruction and cleansing of sidewalks, streets, alleys, public grounds, reservoirs, gutters, sewers, waters and water-courses in said city are duly observed and kept, and direct and control the persons employed therein. The superintendent of streets shall have a general supervision over all works let by contract for the improvement of streets or sidewalks in said city, unless the common council shall otherwise provide.

Construction and repair of sidewalks.

SECTION 4. Sidewalks shall be constructed, reconstructed or repaired upon the proper established grade of any street in said city, of such width, in such manner, of such materials, and in such time as the common council, by ordinance, resolution or order shall direct, by the owner or owners of any lot or piece of ground in front of which such sidewalk shall be ordered. If the owner or owners of any such lot or piece of ground shall not construct such sidewalk as aforesaid, in the manner, of the material, or at the time, as so directed, the common council may cause the same to be constructed forthwith at the expense of such owner or owners. The contract for the construction of any such sidewalk shall be let to the lowest reasonable, responsible bidder, and notice shall be given by publication in the official paper of the city, for at least three days, of the time, place and manner of receiving such bids. The common council shall levy a special tax upon each lot or piece of ground in front of which any sidewalk shall be constructed by contract, sufficient to pay the cost of

constructing the same; *provided*, that no such contract shall be let until twenty days after notice shall have been given to such owner or owners, of the ordinance, resolution or order requiring the construction of such sidewalk, by the publication of the same at least five days in the official paper of the city.

Powers of council in ordering construction or repair of sidewalks.

SECTION 5. The common council shall have power, by a vote of two-thirds of all the members of the common council, to order the building, construction, re-construction or repair of sidewalks in the city of Waupaca, in such manner as they may deem proper. The city clerk shall receive all proposals for constructing and repairing sidewalks, and shall open them in the presence of the council, which shall award the contract to the lowest responsible bidder; *provided*, such bid is a reasonable one, subject to such provisions, in case of violation of contract, and to such other particular provisions as the council may prescribe. The proceedings for ordering the repair of sidewalks, and levying and collecting special taxes on the respective lots to pay for the same, shall be the same as herein provided as in case of constructing a new sidewalk, except as otherwise provided in this section. No contractor for building or repairing sidewalks shall receive any pay therefor from [the] city, under any circumstances, until the tax levied for that purpose shall have been paid to the city or county. Whenever a sidewalk shall be out of repair and so remain for the space of twenty-four hours, which in the opinion of the superintendent of streets will not cost to exceed the amount of five dollars in front of any one lot, to repair the same, he shall be authorized, and it is hereby made his duty to cause the same to be immediately repaired; and when the same is completed, he shall make out an itemized bill of the cost of such repair, specifying the lot and block, or piece or parcel of land in front of which said work was done, verified by his oath, and shall deliver the same to the city clerk, and said clerk shall forthwith present the same to the owner of such lot, piece or parcel of land, if a resident of the city of Waupaca, for payment; and if the owner of such lot, piece or parcel of land shall refuse or neglect to pay the same for ten days, then the clerk shall report the fact to the council, and the council shall thereupon levy a special tax upon said lot, piece or parcel of land, to pay the same, in the same manner as special taxes are levied for the construction of sidewalks.

regulate the storage, keeping and conveying of the same or other combustible material.

6th. To provide for making, grading, improving and repairing of the streets of the city of Waupaca, and to make such other necessary public improvements as shall be deemed necessary and proper, and for the general benefit, health and welfare of the inhabitants thereof, and to provide for the making, constructing and repairing of gutters and sidewalks in said city, and to prevent the encumbering of the streets, sidewalks, lanes, highways and alleys with carriages, sleighs, boxes, lumber, firewood, or other materials or substances whatever.

To provide for public improvements.

To prevent encumbering of streets.

7th. To prevent horse-racing, immoderate driving or riding in the streets or on the bridges, within said city, and to regulate the places of bathing and swimming in the waters within said city limits.

To prevent racing and regulate places of bathing.

8th. To restrain the running at large of dogs, and to authorize the destruction of the same in a summary manner when at large contrary to the ordinances of said city.

To restrain dogs.

9th. To restrain the running at large of horses, cattle, swine, sheep, poultry and geese, and to authorize the distraining, impounding and sale of the same.

To restrain running at large of horses etc.

10th. To prevent persons from bringing, depositing or having within said city or placing in the waters within or adjacent to the said city, any putrid carcass, or other unwholesome or nauseous substances, and to require the removal of the same by any person who shall have upon his premises any such substance, or putrid or unsound beef, pork, hides or skins of any kind, or on default to authorize the removal thereof by some competent officer at the expense of such person or persons.

To prevent depositing of unwholesome substances.

11th. To make and establish public pounds, pumps, wells, cisterns and reservoirs, and to provide for the erection of water-works for the supply of water to the inhabitants of the city, to regulate and to license hacks, cabs, drays, carts, and the charges of cabmen, hackmen, draymen and cartmen in the city, and to erect lamps and provide for lightning the streets, public grounds or public highways with gas or otherwise.

To establish public pounds, wells, etc., and to provide for erection of water-works.

12th. To establish and regulate boards of health, provide hospitals and cemetery grounds, regulate the burial of the dead and the return of the bills of mor-

To establish boards of health.

tality, and to exempt burial grounds, set apart for public use, from taxation.

To establish size and weight of bread.

13. To establish the size and weight of bread, and to provide for the seizure and forfeiture of bread baked contrary thereto.

To protect sidewalks.

14th. To prevent all persons riding or driving any horse, or mule, cattle and other animals on the sidewalks in said city, or in any way doing damage to said sidewalks.

To prevent shooting of firearms, etc.

15th. To prevent shooting off firearms or crackers, and to prevent the exhibition of fireworks in any situation which may be considered by the council dangerous to the city or any property therein, or annoying to the citizens thereof.

To restrain drunkenness.

16th. To restrain drunkards, immoderate drinking, or obscenity, in the streets or public places, and to provide for the arresting, removing and punishing any person or persons who may be guilty of the same.

To restrain runners.

17th. To restrain and regulate runners and solicitors for stages, cars, public houses and other establishments.

To regulate police.

18th. To make rules and ordinances for the government and regulation of the police of the city.

To establish and regulate markets.

19th. To establish public markets and make rules and regulations for the government of the same; to appoint suitable officers for overseeing and regulating such markets, and to punish or restrain all persons from interrupting or interfering with the due observance of such rules and regulations; to license and regulate butcher stalls, shops and stands for the sale of game, poultry, meats, fish and other articles.

To regulate weighing of hay, etc.

20th. To regulate the place or places, and manner of weighing and selling hay, and measuring and selling fuel, lime, and other gross commodities and to appoint suitable persons to superintend and conduct the same.

To compel removal of dirt and rubbish.

21st. To compel the owners of buildings or grounds, or the occupants where the same are occupied, to remove snow, dirt or rubbish from the sidewalks, street or alley opposite thereto, and to compel such owner or occupant to remove from the lot owned or occupied by him all such substances as the board of health shall direct; and in default, to authorize the removal of or destruction of all the objectionable substances by some officer of the city, at the expense of such owner or occupant.

To preserve health of city.

22d. To regulate, prevent and control the landing

of persons from cars and stages, or other conveyances, wherein are contagious and infectious diseases or disorders, and to make such disposition of such persons as to preserve the health of the city.

23d. To regulate the time and manner of holding public auctions and vendues. To regulate auctions.

24th. To appoint watchmen and prescribe their duties. To appoint watchmen.

25th. To provide by ordinance for a standard of weights and measures, and for the punishment of any person using, or keeping for use, any false weights and measures. To regulate weights, and measures.

26th. The common council shall have jurisdiction over the entire waters within the city, so as to prevent any deterioration of the waters, or any nuisance being cast therein by which the health of the inhabitants of the city, or the purity of the waters, shall be impaired, or for any other purpose authorized in this act. To prevent deterioration of waters.

27th. The common council shall have power to require the owner of any lot or grounds in the city to set out ornamental trees in the street or streets fronting on the same, and in default thereof, to cause the same to be done and to levy a special tax upon such lot or grounds to pay the expense of the same. To compel planting of shade trees.

SECTION 4. No appropriation shall be made, nor shall any debt be created or liability incurred against the city, except by a vote of a majority of all the members of the council; and all laws, ordinances, rules and resolutions shall be passed by an affirmative vote of a majority of all the members of the common council, and ordinances, before the same shall be in force, shall be signed by the mayor, and all resolutions or measures for the appropriation of money, whereby a debt shall be created against or a liability incurred by the city, shall be approved by the mayor before the same [shall] be in force; *provided*, that in case the mayor shall refuse to sign any ordinance or any certificate of the appropriation of money or shall refuse to approve any resolution or by-law creating a debt or establishing a liability against the city, four aldermen voting in the affirmative shall have power to repass such ordinance, resolution, by-law or certificate, notwithstanding the objections of the mayor; and all ordinances shall be published in a public newspaper printed in the county of Waupaca, which may have been selected by the common council to do the printing for the city, and How appropriations, ordinances, etc., shall be made. Proviso.

be in force from and after their passage and publication; and within fifteen days after publication, such publication being duly proved by the affidavit of the printer or foreman of the printers of such newspaper and filed in the office of the city clerk, shall be prima facie evidence of the passage and publication.

Power conferred upon council not to bar proceedings in court.

Public nuisances.

SECTION 5. The power conferred upon the said council to provide for the abatement or removal of nuisances, shall not bar or hinder suits, prosecutions or proceedings in the courts according to law. Gambling houses, houses of ill-fame, disorderly taverns and houses or places where spiritous, vinous or fermented liquors are sold without the license required therefor, houses or buildings of any kind wherein more than twenty-five pounds of gunpowder are deposited, stored or kept at any one time, are hereby declared and shall be deemed public or common nuisances.

City officers to account to common council.

SECTION 6. The common council shall examine, audit and adjust the accounts of the clerk, treasurer, chief of police, street superintendent, and all other officers or agents of the city, at such time as they may deem proper, and also at the end of each year, and before the time for which the officers of the said city are elected or appointed shall have expired. And the common council shall require each and every such officer or agent to exhibit his books, accounts and vouchers for such examination and settlement; and if such officer or agent shall refuse to comply with the orders of the council in the discharge of their said duties, in pursuance of this section, or shall neglect or refuse to render his accounts or present his books and vouchers to said council, it shall be the duty of the common council to declare the office of such person vacant; and the common council shall order suits and proceedings at law against any officer or agent of said city who may be delinquent or defaulting in his accounts, or in the discharge of his official duties, and shall make a full record of all such settlements; and the common council shall have power, by an affirmative vote of two-thirds of its members, upon reasonable notice, for cause, to remove from office any officer of the city elected by the common council, or whose appointment shall have been confirmed by it.

Removal of officers.

CHAPTER V.

OPENING OF STREETS, ALLEYS, ETC.

Opening of streets, alleys, etc.,—mode of procedure.

SECTION 1. The common council shall have power to lay out public squares, grounds, streets and alleys, and to widen the same, and to make all necessary and proper improvements within the limits of said city as follows: Whenever ten or more freeholders residing in any one ward, shall, by petition, represent to the common council that it is necessary to take certain lands within the ward where such petitioners may reside, for the public use, for the purpose of laying out public squares, grounds, streets or alleys, or the enlarging or widening of the same, or for other public improvements, the courses and distances, metes and bounds of the lands proposed to be taken, together with the names and residence of the owners of such premises, if the same shall be known to the petitioners, to be set forth in such petition, the common council shall thereupon cause notice of such application to be given to the occupant or occupants, owner or owners of such land, or if a portion of such lands shall not be in the actual occupation of any person, and the owner or owners are non-residents of the said city, then the common council shall cause such notice, describing as near as may be the premises proposed to be taken, to be published in the official paper for four weeks, at least once in each week.

Notice to be given to owners of grounds to be taken.

SECTION 2. Such notice shall state that on a certain day therein to be named, not less than ten days from the service of such notice, or the expiration of such publication, as the case may be, application will be made to the judge of the circuit or county court of Waupaca county for the appointment of six jurors to view said premises, and to determine whether it will be necessary or expedient to take the same for the purposes specified in such petition.

Jury to view premises to be taken.

SECTION 3. Upon the presentation of such application, and upon proof of publication or service of the notice herein required, the said judge shall thereupon appoint six reputable freeholders, residents of the city, but not residents of the ward in which such premises may lie, or interested in such application. The said judge shall thereupon issue his precept, directed to said jurors, requiring them within thirty days to view said premises, to be specified in said pre-

Jurors to take oath.

report as to the necessity of taking any lands under this act, and the same shall have been confirmed, the common council shall have power to appoint new jurors in the place of any who shall neglect or refuse to serve, and the jurors, before entering upon the discharge of their duties, shall severally take an oath before some competent officer, that they are freeholders of said city and not interested in the premises proposed to be taken, and that they will faithfully and impartially discharge the trusts reposed in them.

Appeal from assessment.

SECTION 21. Any person whose property is taken, or against whom any assessment is made, may, within ten days from the return of the jurors to the common council, appeal from said assessment or damage or benefit, to the circuit court of Waupaca county, where such appeal shall be tried by the court and jury, as in ordinary cases. The common council shall have the same right of appeal. After the award and assessments heretofore provided for shall have been made, and it shall have been found that the amount of such assessments over and above the amount of the awards, shall not be sufficient to pay the whole cost of any such contemplated improvement, the amount of such deficiency shall be assessed by the common council upon the city.

Survey and profile to be made.

SECTION 22. Whenever any public ground, street or alley, shall be laid out, widened or enlarged, or other public improvements made under the provisions of this chapter, or this act, the common council shall cause an accurate survey and profile thereof to be made and filed in the office of the city clerk.

CHAPTER VI.

IMPROVEMENT OF STREETS AND SIDEWALKS.

Ordinances for repair or construction of streets—how to be passed.

SECTION 1. Every ordinance, resolution or by-law providing for the repairing, construction or reconstruction of any sidewalk or gutter, or for the grading, repairing or improving any street at the expense, in whole or in part, of the owners of the lots or parcels of land abutting or fronting such sidewalk, gutter or street, shall, on being introduced at a meeting of the common council, be referred to some appropriate committee, and any such ordinance, resolution or by-law shall not be passed or adopted sooner than fourteen days after the introduction thereof, nor until ten days after the proceedings of the council had

relative thereto, at the meeting when such ordinance, resolution or by-law was introduced, shall have been published in the official newspaper of the said city.

Grade of streets.

SECTION 2. The common council of the city of Waupaca shall have power to establish the grade of the streets of said city, and to change and re-establish such grade, as they shall deem expedient; *provided*, that whenever they shall change or alter the grade of any street, any person who shall claim to have sustained damages by such change or alteration of grade, shall have his right of action against the city for the recovery of such damages, but no suit shall be commenced against the city therefor until application has been made to the common council to pay such damages, and said council shall have refused or neglected for three months to pay or settle the same.

Duty of superintendent of streets.

SECTION 3. It shall be the duty of the superintendent of streets to see that all the ordinances of the city relating to the obstruction and cleansing of sidewalks, streets, alleys, public grounds, reservoirs, gutters, sewers, waters and water-courses in said city are duly observed and kept, and direct and control the persons employed therein. The superintendent of streets shall have a general supervision over all works let by contract for the improvement of streets or sidewalks in said city, unless the common council shall otherwise provide.

Construction and repair of sidewalks.

SECTION 4. Sidewalks shall be constructed, reconstructed or repaired upon the proper established grade of any street in said city, of such width, in such manner, of such materials, and in such time as the common council, by ordinance, resolution or order shall direct, by the owner or owners of any lot or piece of ground in front of which such sidewalk shall be ordered. If the owner or owners of any such lot or piece of ground shall not construct such sidewalk as aforesaid, in the manner, of the material, or at the time, as so directed, the common council may cause the same to be constructed forthwith at the expense of such owner or owners. The contract for the construction of any such sidewalk shall be let to the lowest reasonable, responsible bidder, and notice shall be given by publication in the official paper of the city, for at least three days, of the time, place and manner of receiving such bids. The common council shall levy a special tax upon each lot or piece of ground in front of which any sidewalk shall be constructed by contract, sufficient to pay the cost of

constructing the same; *provided*, that no such contract shall be let until twenty days after notice shall have been given to such owner or owners, of the ordinance, resolution or order requiring the construction of such sidewalk, by the publication of the same at least five days in the official paper of the city.

Powers of council in ordering construction or repair of sidewalks.

SECTION 5. The common council shall have power, by a vote of two-thirds of all the members of the common council, to order the building, construction, re-construction or repair of sidewalks in the city of Waupaca, in such manner as they may deem proper. The city clerk shall receive all proposals for constructing and repairing sidewalks, and shall open them in the presence of the council, which shall award the contract to the lowest responsible bidder; *provided*, such bid is a reasonable one, subject to such provisions, in case of violation of contract, and to such other particular provisions as the council may prescribe. The proceedings for ordering the repair of sidewalks, and levying and collecting special taxes on the respective lots to pay for the same, shall be the same as herein provided as in case of constructing a new sidewalk, except as otherwise provided in this section. No contractor for building or repairing sidewalks shall receive any pay therefor from [the] city, under any circumstances, until the tax levied for that purpose shall have been paid to the city or county. Whenever a sidewalk shall be out of repair and so remain for the space of twenty-four hours, which in the opinion of the superintendent of streets will not cost to exceed the amount of five dollars in front of any one lot, to repair the same, he shall be authorized, and it is hereby made his duty to cause the same to be immediately repaired; and when the same is completed, he shall make out an itemized bill of the cost of such repair, specifying the lot and block, or piece or parcel of land in front of which said work was done, verified by his oath, and shall deliver the same to the city clerk, and said clerk shall forthwith present the same to the owner of such lot, piece or parcel of land, if a resident of the city of Waupaca, for payment; and if the owner of such lot, piece or parcel of land shall refuse or neglect to pay the same for ten days, then the clerk shall report the fact to the council, and the council shall thereupon levy a special tax upon said lot, piece or parcel of land, to pay the same, in the same manner as special taxes are levied for the construction of sidewalks.

subject to contribute to the payment of the same, shall be ascertained, and the city clerk shall forthwith issue to each person occupying such premises, liable to contribute, a certificate stating the amount assessed and chargeable to the premises occupied by such person, and the amount so chargeable to any particular lot or parcel of land shall be from the time it is so ascertained, a lien and charge thereon, and upon no other property; and the said amount shall be entered against such lot or lots in the tax warrant for the year in which the assessment is made, and collected in the same manner as other taxes. The damages assessed shall be paid or tendered, or deposited, as herein required, within twelve months from the confirmation of such assessments and reports; and if not so paid, tendered or deposited, all proceedings in such case shall be void.

Damages to be paid within twelve months.

SECTION 17. When the whole of any lot or tract of land, or other premises, under lease or under contract, shall be taken by virtue of this act, all the covenants, contracts or engagements between landlord and tenant or any other contracting parties, touching the same or any part thereof, shall, upon the confirmation of such report, respectively cease and be absolutely discharged.

When land to be taken is under lease or contract.

SECTION 18. When only part of a lot or tract of land or other premises so under lease or other contract shall be taken for any of the purposes aforesaid, all the covenants, contracts or agreements respectively, the same, upon the confirmation of such report, shall be absolutely discharged as to the part thereof so taken, but shall remain valid as to the residue thereof, and the rents, considerations and payments reserved, payable and to be paid for and in respect to the same, shall be so proportioned that the part thereof justly and equitably payable for such residue thereof, and no more, shall be paid or recoverable for or in respect to the same.

When part of land is under lease or contract.

SECTION 19. When any known owner of lands or tenements affected by any proceedings under this act shall be an infant, or labor under any disability, the judge of the circuit court of Waupaca county or the judge of any court of record in said county, may, upon the application of the common council, or such party or his next friend, appoint a guardian for such party, and all notices required by this act shall be served on such guardian.

When owner of land is under legal disability.

SECTION 20. After the jurors shall have made their

expended under the direction and supervision of the superintendent of streets, on the repair and improvement of streets of the respective wards in which said tax is paid, and to be drawn out upon itemized accounts of the street commissioner, certified to by the senior alderman of the ward in which said work is done, and audited by the common council. The mayor, city clerk and treasurer, shall constitute a board to determine the liability of persons to pay such tax; and all persons claiming to be exempt from such tax must apply to said board within twenty days from the time when said lists shall be delivered to the treasurer as aforesaid. The city treasurer shall receive the same fees for collecting said tax as he does for collecting taxes assessed upon real and personal property.

Powers and duties of superintendent of streets.

SECTION 7. The superintendent of streets shall, before entering upon the duties of his office, execute to the city a bond in the penal sum of one thousand dollars, with two sufficient sureties, to be approved by the council, conditioned for the faithful performances of the duties of his office and for such other duties as may be required of him by the council, and for the proper expenditure of the money which may be collected or come into his hands by virtue of his office. He shall have a general supervision of all streets; he shall expend the money realized from the poll-tax in each ward, at such places in each ward as he shall see fit; he shall, on or before the first day of September in each year, report to the council in writing, under oath, a true and correct statement of all moneys received by him by virtue of this act, and from whom received, and how, where and when expended, and the said superintendent of streets shall be held strictly responsible for the full and complete execution of this act so far as the same relates to streets, according to the terms thereof, and the council may at any time remove him from office for neglect of duty, and appoint a competent man in his place. The street superintendent shall receive for his services not more than two dollars for each day actually and necessarily occupied by him in the discharge of his duties. The chief of police shall be street superintendent in any year when the common council shall so determine, and shall receive for his services as such superintendent such sum per day as the council shall determine, not exceeding more than one dollar per day.

Chief of police may be street superintendent

In case the owner of such lot, piece or parcel of land does not reside in the city of Waupaca, the said superintendent shall return said account to the common council with his certificate stating that fact, and the council shall thereupon levy a special tax to pay the same, in the manner in this section provided.

Poll-tax.

SECTION 6. Every male inhabitant of the city of Waupaca, over twenty-one years of age, and under sixty, except active members of the fire department, shall pay into the city treasury annually, the sum of one dollar and fifty cents each, as a poll tax. It shall be the duty of each of the assessors of the city of Waupaca, during the Month of May, 1875, to make out duplicate lists of all persons liable to said tax in his assessing district of the city of Waupaca, and said assessor shall, on the first Monday of June, 1875, deliver one of said lists to the city clerk and one to the treasurer of the city of Waupaca. The said treasurer shall thereupon immediately proceed to collect the same; and all persons liable to pay such tax, who shall not have paid the same after demand, either personal or by written notice left at their usual place of abode, on or before the first day of July, 1875, shall be liable to and shall pay a penalty of two dollars, together with the costs of prosecution, to be prosecuted for by said treasurer in the name of the city of Waupaca. The process in such case shall be by warrant, and in case judgment shall be rendered against the defendant in such action, and he shall refuse or neglect to pay such judgment, he shall be imprisoned in the county jail not to exceed ten days. The assessor shall, also, at the time of assessing the annual taxes in each year after the year 1875, make out such duplicate lists of persons liable to pay such tax as aforesaid, and deliver one of the said lists to the city clerk and one to the city treasurer at the time he returns to the city clerk his assessment roll of real and personal property of the city of Waupaca, and the city treasurer shall collect the same in the same manner as hereinafter in this section provided; and in case said taxes are not paid to said treasurer, he shall prosecute for them in the manner hereinbefore provided. The said assessor, in making such list, shall designate the ward in which such person on said list resides, and the treasurer shall credit each ward of the city with the amount thus collected from the inhabitants of such ward. The moneys collected as above shall be kept as a distinct fund, and shall be

by the city, in proportion to the width of the street alley or public grounds.

Estimate of expenses to be made.

SECTION 11. Whenever the common council shall determine to make any public improvement as authorized by this chapter, they shall cause to be made an estimate of the whole expenses thereof, and of the amount thereof to be assessed and charged to each lot and parcel of land, and, in case of grading, of the number of cubic yards to be filled in or excavated in front of each lot, and the proportion thereof across each street, alley or public ground, as aforesaid; and such estimate shall be filed in the office of the city clerk, for the inspection of parties interested, before such work shall be ordered to be done. The common council may authorize the letting of such work by contract to the lowest bidder at the expense of the lots upon which such work is chargeable, in whole or in part, as aforesaid, all bids for doing the same to be approved by the council; and the said council shall have power to reject any and all bids, and may require such contractors to perform such contract within such time and under such conditions, and to give such security for the performance of such work as they shall direct; such contract, when approved by the council, to be executed on the part of the city by the mayor, and countersigned by the city clerk, notice of the time and place of receiving such bids to be published for ten days in the official paper of said city. The common council, instead of letting such work by contract to the lowest bidder, may, by an affirmative vote of two-thirds of the members of the council, order the grading, repairing or improving of any street, or the making of any public improvement to be done directly by and under the supervision of the street superintendent, at the uniform expense, in whole or in part, of the lots or parcels of land abutting or fronting on such street or public improvement.

Contract to be let to lowest bidder.

Work may be done under supervision of street superintendent.

In case of extraordinary cutting or filling.

SECTION 12. Whenever the general interests of the city require deep cutting or extraordinary filling in any street, and the owners of the lots and lands fronting on such deep cutting or filling shall deem themselves aggrieved thereby, and shall present to the council in writing that the expenses of such excavation or filling will exceed the proportion that should be justly or equitably charged upon the property assessed therefor, the council shall require the chief of police to summon five freeholders, not residents

SECTION 8. The common council of said city shall have power, and may, in its discretion, by a vote of two-thirds of all the members, advertise and let to the lowest responsible bidder whose bid it shall deem reasonable and proper, the construction of any sidewalk or gutter or the making of, improvement on, or along any street or highway in said city limits which shall have been ordered, and levy a tax upon each lot or piece of ground in front of which said sidewalk, gutter or improvement shall have been ordered and constructed under such contract, sufficient to pay the costs of constructing the same, without giving notice requiring the owner or owners of such lot or lots, or pieces of ground to construct the same.

Letting of contracts for repair or construction of streets.

SECTION 9. The common council of the city of Waupaca, shall have the power, by an affirmative vote of two-thirds of all its members, to order and contract for the making, grading, paving and repairing and cleansing of streets, and parts of streets, alleys, public grounds, reservoirs, gutters and sewers in the manner hereinafter mentioned, and direct and control the persons employed therein.

Council to order and contract for work on streets, alleys, etc.

SECTION 10. The costs and expenses of surveying streets, alleys, sewers and gutters, and of estimating work thereon, in the execution of any public improvement, shall be chargeable to and payable by the city. The cost and expense of opening, grading, or graveling, planking, paving or repairing of streets and alleys, shall be chargeable to and payable wholly or in part by the lots or land fronting on such street or alley, so that each lot or parcel of land shall pay for work between the front of each lot or parcel of land and the center of such street or alley, or such portion thereof as the common council shall determine. Sewers and gutters may be ordered by the common council, and built at the expense of lots or parts of lots benefitted thereby, and fronting upon the side of the street along which said sewer or gutter shall be constructed; *provided, however*, that when sewers or gutters are constructed through alleys, no lots shall be assessed therefor except those situated in the block through which such sewers or gutters may be constructed; *and provided, further*, that in all cases when improvements or work of any kind are chargeable, by virtue of this section, upon lots benefitted, all such improvements across streets, alleys and public grounds shall be made and paid for

Expenses chargeable to city.

Expenses chargeable to property.

Proviso.

pervision of certain officers.

superintendent of streets and city surveyor, and shall be approved by them before it shall be accepted by the council.

Certificates to be issued for work done.

SECTION 14. Whenever any work has been done under contract, as provided in this act, and the work shall have been approved by the mayor, street superintendent and city surveyor, such contractor shall be entitled to a certificate therefor, stating the amount of work done by such contractor and the nature thereof, and the description of the lot or parcel of land upon which the same is chargeable, which said certificate may be transferred by indorsement thereon; and if the amount is not paid before the time of making out the annual assessment roll, the same may be filed with the city clerk, and the common council shall order the same assessed upon the said lots of land respectively, as a special tax, and to be collected therefrom for the benefit of the holder of said certificate, as other taxes of real estate are collected by virtue of the laws of this state, except that personal property shall not be seized or sold for the payment thereof, and if the notice to do the work required shall have been given as herein prescribed, no informality or error in the proceedings shall invalidate or vitiate such assessment; *provided*, that in no event where work is ordered to be done at the expense of any lot or parcel of land, shall the city be held responsible for, or on account thereof, or for any proceedings for the collection of the pay therefor.

Amount to be assessed upon lots.

Proviso.

CHAPTER VII.

FINANCES AND TAXATION.

Funds to be be under control of council.

SECTION 1. All funds in in the city treasury, except school, state and county funds, shall be under the control of the common council, and shall be drawn out upon the certificate of the mayor, countersigned by the clerk, duly authorized by a vote of the common council, and in no other manner; and all certificates drawn upon the treasurer shall specify the purpose for which they were drawn, and shall be payable generally out of any funds in the treasury belonging to the city.

How to be paid out.

No debt to be contracted except by majority vote of council.

SECTION 2. No debt shall be contracted against the city, or certificates of indebtedness drawn upon the city treasury, unless the same shall be authorized by a majority of all the members of the common coun

the ward, nor interested in said lots or lands, who, after being sworn faithfully and impartially to discharge the trust reposed in them, shall examine the premises within five days therefrom, and if in their opinion the cost of such work will exceed the amount that should be justly and equitably chargeable upon said premises, it shall be their duty to determine what portion of such work shall be chargeable to such lots or parcels of land respectively, and what lots and parcels of land on the street so to be improved will be benefited by such deep cutting or filling, and how much or what portion shall be chargeable to them, and to make report thereof in writing, as soon as practicable, but within ten days after such examination, to the common council; and such proportion as shall be reported as properly chargeable to the lots or parcels first mentioned, shall be assessed upon and collected from the same in the same manner as herein provided; in case such owners shall not do such work, and the remainder shall be assessed upon the lots benefited by such improvement, in proportion to their respective benefit as determined by said jury, the sum so assessed shall become a lien upon the premises assessed, and shall be collected therefrom as a special assessment in the same manner as other special assessments for improvements are collected; *provided*, that should said jury find that said petitioners were not entitled to any division of the expense so assessed upon their lots or parcels of land, then the expense of all proceedings under this section shall be paid by said petitioners, and the common council may require a bond for the payment of the same upon the filing of the petition; *provided, also*, that the petition of no owner feeling himself aggrieved shall be received unless the same be presented within twenty days after the publication of the notice requiring the same to be done; *and provided further*, that when it shall appear to the council that any such lands belong to non-residents, infants or persons laboring under legal disability, who shall not be represented by any agent or guardian, or not be benefited by the making of streets in front of such lots or lands to the amount of the costs and expenses thereof, it shall then be the duty of the said council to cause to be summoned a jury as herein provided.

Proviso.

SECTION 13. All work provided for in this chapter shall be done under the supervision of the mayor,

Work to be done under su-

treasurer shall credit each ward in said city with the amount of highway tax collected by him therein, and all the moneys so collected shall be expended on streets [and] highways in the wards where collected, under the direction of the street commissioner. The bridges shall be built and maintained by the city at large. The common council shall have power to levy a tax upon the assessment-roll, equal in amount to the interest for one year, not otherwise provided for, upon all bonds lawfully issued by the city of Waupaca; and no such special tax shall be used or applied for any other purpose whatever. No city order of any kind shall be received in payment of school or school-house tax, but the same shall be paid in money and shall be paid over by the city treasurer to the treasurer of the several school-boards, upon the order of the director and clerk thereof. All resolutions for the purpose of levying a tax shall require for their passage an affirmative vote of two-thirds of all the members of the common council.

For payment of city bonds.

Taxes levied to be lien upon property.

SECTION 6. All taxes or assessments, general or special, levied under this act, shall be and remain a lien upon the lands and tenements upon which they may be assessed, and upon all personal property of any person or body politic, assessed for personal taxes, from the date of the warrant for the collection thereof, until such taxes shall be paid, and no sale or transfer of such real or personal property shall affect such lien. Any personal property belonging to the person taxed may be taxed [taken] and sold for the payment of taxes upon personal property.

Personal property to be sold.

Assessment-roll to be sent to county clerk and laid before county board.

SECTION 7. Before the annual meeting of the board of supervisors of the county of Waupaca, and by the time required by the laws of the state for the return of assessments from the several towns, the city clerk shall transmit a copy of the assessment-roll to the county clerk of said county, who shall lay the same before said board, at their annual meeting.

City of Waupaca to be regarded as a town in equalizing assessment-roll.

SECTION 8. The board of supervisors shall have the power to regard the city of Waupaca as a town, in equalizing the assessment-rolls of the several towns in said county, as provided by law, but in such equalization shall consider the assessment-roll of said city as an entire roll, and shall not change the relative valuation of the different wards.

Tax may be levied without regard of division of city into wards.

SECTION 9. The board of supervisors may levy a tax or taxes, as now is or may hereafter be provided by law in relation to towns, but shall proceed therein

without regard to the division of the city into wards, and shall cause the amount of taxes so levied to be certified to the city clerk, in the manner provided by law in relation to towns or town clerks, and in all transactions with the board of supervisors of said county, said city shall be regarded as a town, except as herein otherwise provided.

Duty of city clerk upon receiving statement of taxes.

SECTION 10. Upon receiving the statement of the amount of taxes so levied, the city clerk shall make out upon the assessment roll in a column left for that purpose or upon a copy thereof, a complete statement of the several amounts of the taxes levied for the state, county, city or other purposes, and all special taxes levied by the common council, since the making out of the last annual tax list, in such separate columns as may be necessary, with the total footings carried out opposite each tract or lot of land, or person named therein, which statement shall be preserved by said clerk as a record in his office, and shall have the same legal force and effect as the records of the common council. The said city clerk may calculate the state, county and city taxes together and carry the amount thereof into one column, but in such case he shall specify the per centum upon one dollar of valuation of state tax, county tax and city tax separately, in his warrant to the treasurer for the collection of such taxes.

Tax-list to be prima facie evidence.

SECTION 11. The tax list made out and preserved as aforesaid shall be prima facie evidence in every court of record of this state that every act or thing required by law to be done relating to assessing or levying taxes from the election of the officers to the completion of the tax list inclusive, has been done regularly, correctly, and as required by law.

Clerk to make duplicate tax-list and deliver to treasurer with warrant for collection of taxes.

SECTION 12. Immediately after making out the tax list aforesaid, the clerk shall make out a duplicate copy thereof, to which shall be appended a warrant signed by the mayor and clerk, and sealed with the corporate seal of said city, directed to the treasurer, requiring and commanding him to collect the taxes and assessments specified in said duplicate copy of the tax list in the manner provided by law, and the said clerk shall on or before the second Monday of December of said year, or as soon thereafter as practicable, deliver the same to the city treasurer for collection and make a record of said delivery on the tax list preserved in his office.

SECTION 13. The city treasurer upon the receipt of

Duty of city treasurer in collection of taxes.

such duplicate copy of the tax list shall proceed to collect the same in like manner, and shall have like powers, and be subject to like requirements, liabilities and restrictions as town treasurers, except as otherwise provided in this act. The city treasurer shall receive one per centum fees upon all taxes paid to him before the first day of January, and three per centum fees upon all taxes collected after that time, to be added to the amount of taxes and collected with the same, and two per centum upon all other moneys paid into the treasury, which shall be in full for all services performed by said treasurer under this act, or the ordinances of the city.

Compensation of treasurer.

Treasurer to return list of delinquent lands and pay over money to county treasurer.

SECTION 14. On or before the fifteenth day of February of each year, unless the time be extended as provided by law, the city treasurer shall make out and return to the treasurer of Waupaca county, a list of all lands, lots and personal property, upon which taxes have not been paid, and shall also settle with and pay over all moneys properly payable to said county treasurer, in like manner as now is, or may hereafter be required of town treasurers; and all the provisions of sections eighty-one to eighty-seven inclusive, of chapter eighteen of the revised statutes, as modified by acts amendatory thereof, shall extend to and may be enforced to collect any delinquent personal property tax of whatever year now due to said city.

Sale of delinquent lands.

SECTION 15. The county treasurer shall sell all delinquent lands and lots returned from the city of Waupaca at the same time and in the same manner as other delinquent lands are sold in said county.

All real estate subject to special tax.

SECTION 16. All real estate exempt from taxation by the laws of this state shall be subject to all special taxes for the building of sidewalks and improvement of streets in front of the same.

Error or informality not to invalidate assessment of tax.

SECTION 17. No error or informality in the proceedings of any of the officers in assessing property, levying or collecting taxes, or making return of unpaid taxes, not affecting the substantial justice of the tax itself, shall invalidate or vitiate or otherwise affect the validity of the assessment or tax; *provided*, that this section shall not be so construed as to dispense with the requisite two-thirds vote of all the members of the council in the levying a tax.

Proviso.

Tax-certificates not to be received in payment of indebt-

SECTION 18. The city treasurer shall not receive from the treasurer of the county of Waupaca tax-certificates in payment of any indebtedness which

may become due from said county to said city. The city shall contract no debt, and the common council shall make no appropriations during any fiscal year, for city purposes, greater than the amount determined upon as provided in the foregoing section five of this chapter for such purpose, together with the amount of money which may at any time be in the city treasury, derived from other sources than taxation.

edness of county.

Limit of indebtedness.

SECTION 19. The common council shall have power, by a two-thirds vote of all the members thereof, to levy a tax or taxes to pay any or all judgments against the city.

Payment of judgments against city.

SECTION 20. In case the city treasurer shall at any time refuse or neglect to perform his duties in enforcing the payment of taxes, as provided by this act and as authorized and required by the laws of this state, the common council shall forthwith remove such treasurer from office, and appoint a suitable person to fill the vacancy.

City treasurer to be removed for neglect of duty.

SECTION 21. All accounts or demands against the city, before the same shall be allowed, shall be verified by affidavit, except salaries and amounts previously fixed and determined by law; and any person who shall falsely swear to any such account or demand, shall be deemed guilty of perjury.

Accounts to be verified by affidavit.

SECTION 22. No money shall be appropriated or drawn out of the city treasury, except in payment of accounts and demands allowed by the common council, and then only upon the order of the mayor and countersigned by the city clerk; and upon the presentation of such order the city treasurer shall pay the same to the holder thereof. All such orders shall be numbered in regular series, commencing with number one, and shall be made payable to the person in whose favor the common council may have lawfully audited any account, and said order shall state the number of the bill in payment of which the same was drawn, for what purpose, and from what fund payable, and the city funds shall be paid out of the treasury in no other manner whatsoever, and no interest shall be allowed or paid on any city order or certificate whatever: *provided, however*, that when the city, being duly authorized thereto, shall borrow money, certificates of appropriation therefor may be issued payable at such time or times as the council may determine, and such certificates may be drawn to bear interest at a rate not exceeding ten per centum per annum, and when so drawn and signed

Payment of accounts and demand against city—how to be made.

Proviso.

by the mayor and clerk, interest shall be paid thereon as therein expressed.

Actions against city.

SECTION 23. No action shall be maintained by any person against the city of Waupaca upon any claim or demand until such person shall first have presented his claim or demand to the common council for allowance, and allowance thereof refused by said council.

Determination of council to be conclusive.

SECTION 24. The determination of the common council, disallowing in whole or in part any claim of any person, shall be final and conclusive, and a perpetual bar to any action in any court founded on such claim, except that such person may appeal to the circuit court, as provided in section twenty-six of this chapter.

Claims not to be entertained by council a second time.

SECTION 25. In case any person shall present his claim or demand to the common council, and the said council shall disallow the said claim in whole or in part, the said council shall not thereafter entertain such claim again, and such claimant, if he desires, may prosecute said claim by appeal to the circuit court, and not otherwise.

Appeals to circuit court.

SECTION 26. When any claim of any person against the city shall be disallowed in whole or in part by the common council, such person may appeal from the decision of the council disallowing such claim to the circuit court of the county of Waupaca, by causing a written notice of such appeal to be served on the clerk of said city within twenty days after the making of such decision, and executing a bond to the said city, with sufficient surety, to be approved by the said clerk, conditioned for the faithful prosecution of such appeal, and the payment of all costs that shall be adjudged against the applicant by the court. The clerk, in case such appeal is taken, shall make a brief statement of the proceedings had in the case before the council, with its decision thereon, and shall transmit the same, together with the bond and all the papers in the case, to the clerk of the circuit court of Waupaca county, and thereupon such appeal shall be entered, tried and determined in the same manner as cases originally commenced in the circuit court, and costs shall be awarded thereupon in like manner.

Clerk to give notice of appeal to mayor and council.

SECTION 27. The clerk, upon such appeal being taken, shall forthwith give notice thereof to the mayor, and shall also report the same to the council at its first sitting thereafter.

CHAPTER VIII.

FIRE DEPARTMENT.

SECTION 1. The common council for the purpose of guarding against the calamity of fire, shall have the power to prescribe the limits within which wooden buildings or buildings of other materials that shall not be considered fire-proof shall not be erected or repaired, and to direct that all and any buildings within the limits prescribed shall be made and constructed of fire-proof materials and to prohibit the repairing of wooden buildings within the fire limits, when the same shall have been damaged to the extent of fifty per cent. of the value thereof, and to prescribe the manner of ascertaining such damages.

Power of council to prescribe fire limits.

SECTION 2. The common council shall have power to regulate the building, construction, and condition of chimneys, fire-places, hearths, stoves, stove-pipes, ovens, boilers and apparatus used in or about any building and to cause the same to be removed or placed in a safe and secure condition, when considered dangerous; to prevent the deposit of ashes in unsafe places; to require the inhabitants to provide as many fire-buckets and in such manner and time as they shall prescribe, and to regulate the use of them in time of fire; and to regulate and prevent the carrying on of any manufactures dangerous in causing and promoting fire; to compel the owners and occupants of buildings to have scuttles in the roof, and stairs and ladders leading to the same; to authorize the mayor, aldermen, fire-wardens and other officers of the city to keep away from the vicinity of a fire all idle and suspected persons, and to compel the bystanders to aid in the extinguishment of fires, and in the preservation of property exposed to danger thereat, and generally to establish such regulations for the prevention and extinguishment of fires as the common council may deem expedient.

Further powers of council in guarding against fires.

Section 3. The common council shall have power to purchase fire engines and other fire apparatus, and to authorize the formation of fire engine, hook and ladder and hose companies, and to provide for the due and proper support and regulation of the same, and to order such companies to be disbanded, and their meetings to be prohibited and their apparatus to be delivered up. Each company shall not exceed

Power of council to purchase fire apparatus and provide for fire companies.

seventy able bodied men, between the ages of fifteen and fifty, and may elect its own officers and form its own by-laws, not inconsistent with the laws of this state or the ordinances and regulations of said city, and shall be formed only by voluntary enlistment. Every member of each company hereby authorized to be formed shall be exempt from poll tax, from serving on juries and from military duty during the continuance of such membership.

Formation of fire companies.

Appointment of engineers of fire department.

SECTION 4. The fire department shall, on the second Monday of April, in each year, at seven o'clock in the afternoon, meet at such place as the common council may appoint, at which time and place they may appoint one chief engineer, and two assistant engineers of the fire department, which appointment shall be confirmed by the common council before the same shall be in force; and if for any reason such appointments shall not be made at the time and in the manner provided in this section, and confirmed by the common council, then the common council may, at such time as they may deem proper, elect one chief engineer and two assistant engineers of the fire department.

Appointment of fire wardens.

SECTION 5. At the same time the members of the fire department shall appoint one fire warden for each ward, who shall perform such duties as the common council shall prescribe.

Obedience to orders of officers to be enforced.

SECTION 6. When any person shall refuse to obey any lawful order of engineer, fire-warden, mayor or alderman at any fire, it shall be lawful for the officer giving such order to arrest or direct orally the chief of police, policeman, watchman or any citizen to arrest such person, and to confine him temporarily in any safe place, until such fire be extinguished; and in the same manner such officers, or any of them, may arrest or direct the arrest and confinement of every person at such fire who shall be intoxicated or disorderly; and any person who shall refuse to obey any such lawful order or who shall refuse to arrest or aid in arresting any person so refusing, shall be liable to such penalty as the common council shall prescribe, not exceeding fifteen dollars.

Sack companies may act as special police.

SECTION 7. The common council shall have power to organize a sack company, which shall be known as sack company No. 1, to consist of not more than twenty members. Such company shall constitute a part of the fire department, and at fires shall be subject to the control of the chief engineer. The mem-

bers of said company, either collectively or individually, are hereby authorized and empowered to act as special police in and for the city of Waupaca, and are hereby vested with all its power and authority which now is, or may be hereafter vested in any police officer of said city, and shall be entitled to all the rights and immunities of members of the fire department. At fires they shall take charge of all property which may be exposed or endangered, and shall, so far as may be in their power, preserve the same from injury or destruction. Said company may, from time to time, adopt such by-laws and regulations as they may deem necessary, not inconsistent with this act and the laws of this state, or ordinances of the common council. The members of said company shall not be entitled to any pay or compensation for services rendered in their official capacity. They shall, in case of riot or disturbance of the peace, have free access to all licensed places of amusement in the city, and shall perform such services as may be necessary for the peace and good order of the same. The members of said company shall severally take an oath or affirmation that they will faithfully discharge the duties of their said office; and when any member of said company shall cease to be a member thereof, notice shall be given to the city clerk, who shall preserve a record of all the members of said company.

Duty at fires.

CHAPTER XIV [IX.]

ACTIONS TO RECOVER PENALTIES, ETC.

SECTION 1. All actions brought to recover any penalty or forfeiture under this act, or the ordinances, by-laws, or police or health regulations made in pursuance thereof, shall be brought in the coporate name of the city. It shall be lawful to declare generally in debt for such penalty or forfeiture stating the chapter and section of this act, or the section of the ordinance, by-law or regulation under which the penalty or forfeiture is claimed, and to give the special matter in evidence under it.

Actions to be brought in corporate name of city.

SECTION 2. In all prosecutions for any violation of any of the provisions of this act, or any by-law, ordinance or regulation, the first process shall be a summons, unless oath be made for a warrant as in crimi-

Prosecutions to be commenced by summons.

nal cases before justices of the peace, under the general statutes of the state for the time being.

Form of summons.

SECTION 3. When the action is commenced by summons, such summons may be substantially in the following form:

COUNTY OF WAUPACA—CITY OF WAUPACA—ss.

The state of Wisconsin, to the sheriff or any constable of said county, or to the chief of police of the city of Waupaca:

You are hereby commanded to summon A. B., if he shall be found within your county, to appear before the undersigned, police justice in and for said city, at my office in said city, on the —— day of ——, 18—, at —— o'clock in the ——noon, to answer to the city of Waupaca in a plea of debt to the damage of said city, two hundred dollars or under.

Given under my hand, at said city, this —— day of ——, 18—. C. D., Police Justice.

How summons made returnable and served

SECTION 4. Such summons shall be made returnable and be served in the same manner as is now or hereafter may be prescribed by the laws of this state for the commencement of actions, before justices of the peace by summons; and all proceedings in the action except as hereinafter provided, shall be governed by the laws of the state for the time being, relative to actions commenced by summons and triable before justices of the peace.

Form of complaint.

SECTION. 5. When the action is commenced by summons, the complaint may be substantially in the following form:

The city of Waupaca against A. B.—In police court, before C. D., justice.

The plaintiff complains against the defendant, for that the defendant, on the——day of——18—, at the said city, did violate (section——of chapter——of this act, or section——of an ordinance, or by-law, or regulation of said city, describing it by its title), which said——is now in force. By reason of such violation an action hath accrued to the city of Waupaca, to recover of the defendant the sum of——dollars debt. Wherefore the plaintiff demands judgment against the defendant for the sum aforesaid besides the cost of this action.

Form of complaint on oath.

SECTION 6. In all cases where oath is made for a warrant, for the complaint shall be made on oath of the complainant, and no other affidavit shall be neces-

sary, which last mentioned complaint may be substantially in the following form:

The City of Waupaca, against A. B.,
In Police Court, before C. D., Police Justice.

County of Waupaca, ss.

——————, being sworn, complains on oath to C. D., police justice in and for the city of Waupaca, in said county, that A. B., on the——day of——, 18–, at said city, did violate (section—, of chapter—, of this act, or section— of an ordinance, or by-law, or regulation of said city, describing it by its title), which said———is now in force, as this complainant verily believes; and prays that said A. B. may be arrested and held to answer to said city of Waupaca therefor.

Sworn and subscribed before me this—day of——, 18–.

——— ———.

Sufficient to give number, chapter, etc.

It shall be sufficient to give the number of the section and chapter of this act on [or] the section of the ordinance, by-law or regulation violated in the foregoing forms of complaint, and said complaint may be sworn to before any officer authorized to administer oaths. Upon the filing of such complaint with the police justice, he shall issue a warrant substantially in the following terms:

Form of warrant.

County of Waupaca, City of Waupaca—ss.

The State of Wisconsin:

To the sheriff or any constable of said county, and to the chief of police or any policeman of the city of Waupaca, greeting:

Whereas, ——— ———, has this day complained to me in writing, on oath, that A. B. on the —— day of ——, 18—, at said city, did violate (section ——, of chapter ——, of this act, or section —— of an ordinance or by-law, or regulation of said city, discribing it by its title), which said —— is now in force, as the complainant believes; therefore you are commanded to arrest the body of said A. B., and bring him before me forthwith to answer to the city of Waupaca on the complaint aforesaid.

C. D., Police Justice.

Defendant to give security for appearance.

Upon the return of the warrant, the justice shall proceed summarily with the case, unless it be adjourned by consent or for cause. If the case be adjourned

the defendant, if required by the court so to do, shall recognize with security to be approved by the court for his, her or their appearance in such sum as the court shall direct, or, in default thereof, may be put in charge of the officer who made the arrest, or be committed to the common jail of Waupaca county. The complaint made as aforesaid shall be the only complaint required, and the plea of not guilty shall put in issue all subject matter not embraced in the action.

Printed copy of ordinance, etc., to be prima facie evidence.

SECTION 7. A printed copy of an ordinance, by-law or regulation passed by the common council, and published in a newspaper or in phamphlet or book form, purporting to be published by authority of the common council, shall be prima facie evidence of its due passage and publication and shall be received in evidence on trial of all cases cognizable before any court of this state.

Witnesses and jurors to attend without prepayment of fees

SECTION 8. Witnesses and jurors shall attend before the police justice, in all city and criminal suits, without the payment of fees in advance, or a tender thereof, upon proces duly served, and in default thereof their attendance may be compelled by attachment.

Jury not allowed in city prosecutions.

SECTION 9. In city prosecutions, no jury shall be allowed either party, and the findings of the court shall be guilty or not guilty. If guilty, the court shall render judgment thereon against the defendant for the fine, penalty or forfeiture presented in this act, or in the ordinance, by-law or regulation for the violation of which the person or persons shall have been adjudged guilty, and for costs of suit; but if not guilty, the costs of suit shall be taxed against the city. Upon the rendition of judgment against the defendant, and the non-payment thereof, the police justice shall forthwith issue execution as in cases of tort, in case the action was commenced by summons, or a commitment in case it was commenced by warrant, and shall in either case determine and enter upon his docket the length of time the defendant shall be imprisoned, which in no case shall exceed six months, and also insert such time in the execution or commitment. Such execution shall be in the following form:

When defendant to be committed.

Form of execution.

County of Waupaca, City of Waupaca:—ss.

The state of Wisconsin to the sheriff or any constable of said county, or to the chief of police or policemen of the said city, and to the keeper of the common jail of said county, greeting:

Whereas, the said city of Waupaca, in [on] the— day of ——, 18—, recovered a judgment before the undersigned, police justice, in and for said city, against —— ——, for the sum of — dollars together with — dollars and — cents, costs of suit, for the violation of (section —, of chapter —, of this act, or section ——, of an ordinance or by-law or regulation of said city, describing it by its title), you are hereby commanded to levy distress of the goods and chattels of said ——— ———, excepting such as the law exempts, and make sale thereof according to law to the amount of said sums, together with your fees, twenty-five cents for this writ, and the same return to me in thirty days, and for want of such goods and chattels whereon to levy, to take the body of the said —— ——, and him convey and deliver to the keeper of the common jail in Waupaca county; and said keeper is hereby commanded to receive, keep in custody in said jail, the said ——, for the term of —— unless the said judgment, together with all the costs and fees are sooner paid, or he be discharged by due course of law.

Given under my hand, this — day of — 18—.

C. D., Police Justice.

Form of commitment.

The form of the commitment shall be substantially the same as that of the execution, omitting all that relates to the levy and sale and return of writ.

Right of appeal.

SECTION 10. In any case where the judgment or fine imposed, exclusive of costs, is twenty-five dollars or more, the defendant may appeal from such judgment, to the circuit court of the county of Waupaca; *provided*, that such defendant within twenty-four hours enter into a recognizance with one or more sufficient sureties, to be approved by such justice, conditioned to appear before said court and abide the judgment of the court therein. The justice from whose judgment an appeal shall be taken shall make a special return of the proceedings had before him, and shall forthwith cause the summons or warrant and return, together with the proceedings and a copy of the entries in his docket in the action, together with the recognizance, to be filed in the office of the clerk of the said court; and the city may appeal from any such judgment, as in other cases before justices of the peace.

Proviso.

Duty of justice in case of appeal.

No notice of trial required in case of appeal.

SECTION 11. Said appeal shall stand for trial by jury, unless a jury be waived in the manner provided

by law, in said circuit court, and the next term thereof after the day the judgment of the justice shall be rendered, and no notice of trial shall be required to be given to or by either party.

In case judgment of justice is affirmed.

SECTION 12. If the judgment of the justice shall be affirmed, or if upon the trial the defendant shall be convicted, the court shall inflict the penalty provided by this act, or the ordinance, resolution, by-law, or regulation under which he or they are prosecuted, and enter judgment against him or them and their sureties for such penalty, together with the costs in both courts, and enforce the same by execution as in actions of tort.

Residence in city not to be deemed a disqualification.

SECTION 13. No person shall be an incompetent judge, justice, juror or witness by reason of his being an inhabitant of said city, in any proceeding or action in which the city shall be a party in interest.

Village ordinances and regulations to remain in force.

SECTION 14. All ordinances and regulations now in force in the village of Waupaca, and not inconsistent with this act, shall remain in force until altered, modified or repealed by the common council, after this act shall take effect.

Actions, etc., under village ordinances to be vested in city.

SECTION 15. All actions, rights and penalties, fines and forfeitures, in suits or otherwise, which have arisen or accumulated under the several ordinances or act incorporating Waupaca village, shall be vested in and prosecuted by the corporation hereby created.

Actions against city.

SECTION 16. When any suit or action shall be commenced against said city, the service thereof shall be made by leaving a copy of the process of summons with the mayor or clerk of said city, and it shall be the duty of said mayor or clerk so served, forthwith to inform the common council thereof, or to take such demand or proceeding as by ordinance or resolution of said council may be in such cases provided.

Penalties, etc., to be paid to city.

SECTION 17. All penalties and forfeitures recovered and collected under and by virtue of this act, shall be paid into the city treasury for the use and benefit of said city, except as provided in chapter nine of this act.

Fire apparatus exempt from execution.

SECTION 18. All fire engines, hose-carts, hooks and ladders, and wagons therefore and all other apparatus and implements used to extinguish fire, and all houses or buildings owned or occupied by said city for such engines, hose-carts, hooks and ladders and other apparatus and implements, shall be exempt from attachment or execution issued in any action, or on any judgment wherein the said city shall be a party

SECTION 19. No real or personal property of any inhabitant of said city, or of any individual or corporation, shall be levied on or sold by virtue of any attachment or execution issued to collect or satisfy and [any] contract, debt or obligation of said city, or on any judgment against said city.

Private property exempt from execution against city.

SECTION 20. In all cases where a defendant shall be convicted of any violation of any ordinance or police regulations of said city, the court before whom the same is tried, shall have power to sentence the defendant to a term of imprisonment in the common jail of Waupaca county, for any period not exceeding six months.

Power of courts to sentence to imprisonment.

CHAPTER X.

PUBLIC SCHOOLS.

SECTION 1. The mayor and council of the city of Waupaca shall, at their first regular meeting after this charter shall go into effect, elect as school commissioners one person from each ward of said city, who shall hold office until the first Monday of July, 1875, and one other person from such ward who shall hold office until the first Monday in July, 1876, and one person from the city at large who shall hold office until the first Monday in July, 1875; and annually thereafter the said mayor and council shall, at their regular meeting in May, elect one school commissioner from each ward, who shall hold office for two years, and each alternate year after 1875, one from the city at large, unless sooner removed for misconduct or other sufficient cause, by a vote of two-thirds of the appointing power. The terms of office of said commissioners who shall be elected after the first election shall commence on the first Monday of July in each year; *provided*, that all members of the school board now in office shall hold their respective offices for the full term for which they were elected, and until their successors are duly elected and qualified.

Election of school commissioners.

Proviso.

SECTION 2. The school commissioners elected under the provisions of section one of this chapter shall form the "board of education of the city of Waupaca," and a majority of said board shall form a quorum for the transaction of business. It shall be the duty of the mayor and council to supply by appointment any vacancy which may occur from time

Board of education.

to time in the number of said school commissioners by resignation or otherwise.

President of board—his duties.

SECTION 3. The board of education shall, at its first regular meeting, and on the first Monday in July of each year thereafter, elect one of its members president, who shall preside at all meetings of the board, and preserve order and decorum thereat, and decide all questions of order, subject to appeal to the board. He shall countersign all orders drawn by the secretary for the payment of teachers' and janitors' wages, and all other incidental and necessary expenses of said board of education, and in all suits brought by or against the school district, he shall appear in behalf of the district, unless some other provision is made by the board of education. He shall declare all votes taken on questions coming before the board; *provided*, that on all questions requiring appropriations of money, or the adoption of new text-books, the vote shall be taken by ayes and noes, and on any other question the ayes and noes shall be called when any member shall request it; *provided, further*, that in the absence of the president, the board shall elect a president pro tempore.

Proviso.

Meetings of board.

SECTION 4. The board of education shall have at least one regular meeting in each month, at such time and place as may be directed by them, and they may have special meetings at such other times as they may deem necessary, or when called together by the president, but no such special meeting shall be legal unless each member of the board shall have first been served with notice in writing, of the time and place of such meeting.

Duties of board.

SECTION 5. The duties of the board of education shall be as follows:

To employ teachers and regulate salaries of same.

1st. To decide upon the number of teachers to be employed, the grade of school to be kept by each, and the amount of salary to be paid each, and to hire and make contracts with the teachers; and before any teacher shall enter upon his or her duties as such, he or she shall enter into a written contract, which contract shall be signed by such teacher and by the said board of education, or by some member thereof designated for that purpose by resolution of said board. Such contract shall be made in duplicate, and one copy thereof filed with the clerk, and the other copy delivered to such teacher.

To arrange terms and es-

2d. To arrange and determine terms and vacations in all public schools, to establish uniformity in the

school system, and to require and secure uniformity in text-books, and to adopt or reject text-books at will.

tablish uniformity in text books.

3d. To establish sales [rules] and regulations for the schools not in conflict with the constitution or laws of this state, but the mayor and council may, in their discretion, do away with, annual [annul] or abrogate any such rule or regulation by a two-thirds vote of the whole number of aldermen of said city.

To establish rules and regulations.

4th. To make contracts for all fuel, stationery, and articles of furniture required for the use of the schools; to make all necessary repairs on school-houses, not exceeding one hundred dollars in value for any one school-house; to make contracts for all incidentals required for carrying on the school-houses, such as lighting fires, sweeping school-rooms, etc.; and such contracts, when executed, shall be paid by orders drawn on the city treasurer, payable out of the school-fund, which orders shall be signed by the president of the board of education, and countersigned by the clerk of said board.

To make contracts for fuel, stationery, etc.

5th. The said board shall annually, on or before the first day of November in each year, submit a statement to the mayor and council, showing the amount of teachers' wages that have accrued and become due during the year, and the amounts of all other indebtedness accruing on contract or otherwise, that have been made by order of the board, and for that purpose they shall cause sureties [entries] to be made in a book or books to be provided by the city, of contracts made with the teachers, and the amount of salary to be paid, and of all other expenditures made or authorized by said board at the time the same shall be made or authorized, which book or books shall be subject to inspection in the same manner as the records of the proceedings of said board, and they shall at the same time submit for the consideration of the council a statement of the estimates required for carrying on the schools for the ensuing year, specifying the amount required for teachers' wages and other items separately and specifically. Nothing in this section contained shall prevent the mayor and council from taking into consideration the amount to be received from the state from the income of the school fund, and the amount to be received from the county school tax during the ensuing year.

To submit statement of teachers' wages and other indebtedness.

To keep record of contracts.

SECTION 6. Whenever repairs to a larger amount than one hundred dollars shall, in the opinion of the

When repairs to be made exceed $100.

board, be required for any one school house, they shall cause a statement to be made showing the repairs required, and an estimate of the cost thereof to be laid before the mayor and council; and whenever, in their opinion, another school house or school houses shall be required, they shall cause estimates of the cost of a site for such house or houses, and a plan of the proposed building or buildings, together with the estimates of the cost of the same, to be made, and shall submit the same for the consideration of the mayor and council, who shall forthwith take measures to raise a tax to defray the cost of such repairs, or the erection of such building or buildings, and the purchase of a site or sites, unless there shall be a two-thirds vote of the whole number of aldermen of the city against the same, in which case such proposed repairs shall not be made, nor shall such site or sites be purchased or building or buildings be erected; and it shall be the duty of said board to enter into contracts for making such repairs, or for the erection of such buildings, or for the purchase of such sites, whenever it shall be made to appear that the necessary tax for the same has been levied or authorized by the mayor and council.

When another school-house is required.

President and secretary of board to draw orders.

SECTION 7. It shall be the duty of the president and secretary of the board of education, to draw orders on the city treasury, payable out of the school fund, for teachers' and janitors' wages, and all other expenditures authorized by this act.

No member of board to be interested in contract.

SECTION 8. No member of the board of education shall have any interest, direct or indirect, in any contract made by said board, and every contract so made, in which any member of said board shall have such interest, shall be absolutely void.

City clerk to act as secretary of board.

SECTION 9. The city clerk shall, in addition to his other duties, act as secretary of the board of education.

CHAPTER XI.

MISCELLANEOUS PROVISIONS.

City of Waupaca invested with property of village of Waupaca.

SECTION 1. The city of Waupaca shall be, and is hereby, invested as the lawful owner and successor of real and personal property, and all the rights and privileges belonging to the corporation of the village of Waupaca, and such part of all the real and personal property, rights and privileges belonging to the town

of Waupaca, and included in said city limits, together with all the funds, revenues, debts and demands, due and (*on*)owing to the said village of Waupaca, and that part of said town of Waupaca not heretofore included in said village, but now by this act included in said city limits which, by or under any former acts, ordinances, grants, donations, gifts, construction, or purchases, have been acquired, vested or in any manner belong to said village and such portion of said town or either of them.

Moneys, books papers, etc., to be delivered over to city treasurer.

SECTION 2. The village treasurer and village clerk of the village of Waupaca, and the town treasurer and the town clerk of the town of Waupaca, shall, on or before the first day of May, 1875, deliver over to the city treasurer of the city of Waupaca, all the moneys, books, papers and property of every nature whatever in their hands, belonging to each of said organizations of which he is treasurer or clerk, and which would properly, under this act, belong to said city, or which may be adjudged to belong thereto as hereafter provided, and thereupon the city treasurer of the city of Waupaca shall give to each of the said treasurers and clerks of said town and village his receipt therefor for the articles or moneys so delivered. In case any treasurer or clerk of either of said town or village shall fail, neglect or refuse to deliver over to the city treasurer of the city of Waupaca any moneys, books, papers or property pertaining to each of their several offices as aforesaid at the time, or as required by this act, then the officer so failing, neglecting or refusing, shall forfeit and pay, for the use of the city, one hundred dollars, besides all damages caused by his neglect or refusal so to deliver, and the aforesaid city officer may recover the possession of such moneys, books and papers, or other property of said organizations in the manner prescribed by the laws of this state; such books and papers as aforesaid of the town of Waupaca shall only be retained by said respective city officers for the sole purpose of making an abstract or copy of so much of such records and papers as shall pertain to highways now in said city, and necessary to a full and complete settlement between that portion of the town of Waupaca included in the limits of said city of Waupaca, and that portion of said town outside of said city limits; and upon the completion of said settlement, said books and papers shall be delivered over to the proper officers of said town as it may at

Penalty for failure to deliver books, etc.

Books and papers to be delivered to proper officers.

that time exist, and all moneys that may be found due and owing on account of the proportionate value of any moneys or property which may have been received in common at the time of the organization of said city, shall be immediately paid over to the proper officer or officers. The moneys, books and papers of the village of Waupaca shall remain in the hands of said city officers.

Settlement between town and city of Waupaca.

SECTION 3. Within twenty days after the first election of said city, as hereinbefore provided, it shall be the duty of the common council of said city and the board of supervisors of said town of Waupaca, as it may at that time exist, to meet together at some convenient place upon notice given by either body, and if possible, agree upon some just, fair and equitable settlement or adjustment of the property, moneys, credits, duties, liabilities, obligations and every other matter or thing made necessary by the organization of said city, outside of the territorial limits of said village and town of Waupaca; and among other things, making a fair and just proportion of the bonded indebtedness of said town, between the town and said city, fixing forever the amount of said indebtedness to be paid by said city and the amount by said town, as it shall at that time exist.

In case town and city fail to agree, circuit judge to appoint commissioners.

SECTION 4. If the common council of said city, and board of supervisors of said town, shall be unable to agree upon an honorable, just and fair settlement or adjustment as provided in the preceding section, then it is hereby made the duty of the circuit judge of the circuit court in and for the county of Waupaca, upon application made to him by either of said bodies, five days notice having been previously given to the other body, to appoint three commissioners, one to be a resident of said city, one of said town, and one to reside outside of both city and town, who who shall have the power, and it is made their duty, as soon as may be, after their appointment and filing with the clerk of the circuit court in and for said county, of their oaths, to faithfully and fairly to adjust and settle all matters of dispute between said city and town as hereinbefore mentioned, to examine into and fairly, equitably and justly make a division of all property, moneys, credits and property owned by said city or any part thereof in common with said town, make a full and complete settlement or adjustment of all matters between said city and said town arising or growing out of the formation of said city,

out of the territorial limits of said town, and especially of the indebtedness of said town, any portion of which said city ought to pay. The said commissioners shall, as soon as possible, make their award in writing, and file the same in the clerk of the court's office of said county.

How settlement shall be made.

SECTION 5. Any and all amounts found as aforesaid to be owing by said city to any portion of the territory outside of the city, which comprised a part of the town of Waupaca from which said city was formed, shall be paid by said city to the proper officers authorized to receive and receipt for the same. But if it shall be found, upon such settlement, that there is any amount due any portion of said city from any portion of territory outside of said city limits, which was an organization from which said city was formed, that portion of said territory so owing said part of said city, shall pay the amount thereof to the city treasurer. And in case any portion of territory so indebted shall fail, neglect or refuse to pay the amount thereof so found to be due, the city treasurer of said city shall proceed to collect the same in the manner as is now provided by the laws of this state for the collection of debts against towns, cities and villages.

Powers of council over school districts.

SECTION 6. The common council of the city of Waupaca shall have the same powers in relation to all school districts situated in whole or in part within said city limits, as are now conferred upon town boards of supervisors by the laws of this state, and shall perform all duties relative thereto in the same manner as town boards of supervisors are authorized to do.

Work to be let by contract to lowest bidder.

SECTION 7. All work for the city or either ward thereof shall be let by contract to the lowest reasonable, responsible bidder, and due notice shall be given of the time and place of letting such contract; *provided*, that the council, by a vote of two-thirds of the members thereof, may otherwise provide for all work.

Actions to be brought in name of city—how proceeded with.

SECTION 8. In all cases where an action might be brought by the city of Waupaca against any person, company or corporation, such action may be commenced and prosecuted in the name of the city, by any elector of said city; *provided*, that before any person, other than the proper officers of said city, shall prosecute any such action, the person or persons so commencing, shall enter into bonds with suf-

ficient surety to the opposite party, to be approved by the judge or justice before whom such action shall be brought, conditioned that he or they will pay all costs that might be recovered against the city in such action. After the filing of such bond, with the papers in the case, such action shall not be discontinued or defeated by the city, nor shall the city be liable for any costs on account of any such action, but such costs, where the action shall fail, may be recovered against the party commencing the same, upon the bond filed as aforesaid; *provided*, that nothing herein contained shall be so construed as to prevent any peace officer from arresting, without process, any person in a state of intoxication, or guilty of immoderate drinking, improper reveling, obscenity or noisy, boisterous or disorderly conduct in the streets or public places, and taking such person or persons forthwith before the police justice, or keeping them in confinement until such time as said justice can reasonably hear and dispose of such offenders.

Proviso.

In cases of conviction court to enter judgment.

SECTION 9. In all cases of conviction in actions brought or prosecuted to recover a penalty under any of the provisions of this act, or to recover a penalty or forfeiture for the violation of any city ordinance or regulation, the court shall enter judgment against the defendant for the fine and costs of prosecution, and if the defendant shall refuse or neglect to pay such fine and costs, the court shall enter a judgment that the defendant be imprisoned in the county jail of Waupaca county for a term not exceeding three months, and shall forthwith commit the defendant for the term fixed by said judgment, and in all cases where the judgment shall be that the defendant shall be imprisoned in the county jail, the court may, in its discretion, enter a further judgment that the defendant pay the costs of prosecution and that he be held in imprisonment in the said jail until such costs be paid, or he be otherwise discharged by due course of law.

Defendent to to be imprisoned for non-payment of fine and costs.

When election is not held at prescribed time to be held at subsequent date.

SECTION 10. If any election by the people or common council, shall not from any cause be held at the time or in the manner herein prescribed, it shall not be considered reason for arresting, suspending or abolishing said corporation, but such election may be held on any subsequent day by order of the mayor; and if any of the duties enjoined by this act, or the ordinances or by-laws of the city, to be done by any officer, at any time specified, and the same are not

done and performed, the common council may appoint another time at which said acts may be done and performed.

SECTION 11. Said city may lease, purchase or hold real or personal property sufficient for the convenience of the inhabitants thereof and may sell and convey the same, and the same shall be free from taxation while owned or held by said city.

City may hold real or personal property.

SECTION 12. No general law contravening the provisions of this act shall be considered as repealing, amending or modifying the same, unless such purpose is expressly set forth in such law.

Act not to be repealed by general laws.

SECTION 13. From and after the third Monday of March, 1875, the connection between the town of Waupaca, and that part of said town included within the city limits, for all town purposes, shall be dissolved. The duties now and hereafter imposed upon supervisors and other town officers, so far as they relate to the city of Waupaca, shall be performed by the aldermen of the wards and the other officers of said city, except as hereinafter provided.

Connection between town and city dissolved.

SECTION 14. Every member of the common council of the city of Waupaca who shall, directly or indirectly, vote to himself or knowingly to any other person any sum of money for any purpose whatever, in violation of the city charter or any amendment thereof, or shall ask or receive any compensation for doing any official act, except as an inspector of elections, member of the board of registry, and as a member of the board of equalization; any member of the common council or other city officer who shall be directly or indirectly interested in any contract made with or in behalf of the city, and any member of said council or other city officer who shall, directly or indirectly, purchase or be interested in the purchase of any city order or city indebtedness for any less than the full amount thereof, shall be deemed guilty of a misdemeanor in office, and may be prosecuted either by indictment or complaint before the police justice or any justice of the peace having jurisdiction, and upon conviction thereof shall be punished by fine not exceeding one hundred dollars nor less than twenty dollars, or by imprisonment in the county jail not more than thirty days nor less than ten days, or both, at the discretion of the court, and any contract made in violation of the provisions of this section, shall be void.

Penalty for voting money in violation of charter, receiving compensation for official acts or being interested in contracts.

SECTION 15. The paupers of said city shall be cared

Care of paupers.

for in such manner as shall be provided by the laws of the state relating to the care of paupers.

Licenses—how issued.

SECTION 16. Every license issued by the authority of this act or the ordinances of the city, shall be signed by the mayor and city clerk, and sealed with the corporate seal, but no such license shall be issued by said mayor and clerk until the person applying for the same shall have deposited with the said clerk the receipt of the city treasurer for the amount required to be paid therefor, nor shall any license be issued for dealing in, selling or vending spirituous, vinous or malt liquors, until the applicant shall have filed his receipt as aforesaid, together with a bond, as required by the laws of this state, which bond shall be approved by the mayor, and a sum not less than the minimum nor greater than the maximum sum fixed by the laws of this state to be paid for such license, shall be paid to the city treasurer in money. It shall be the duty of the mayor and city clerk to report to the council, at each regular meeting thereof, the licenses theretofore issued by them and not before reported, and the council shall, by vote, approve or disapprove of the same. If the council disapprove thereof, it shall be the duty of the city clerk forthwith to notify the person holding such license that the same has been revoked by action of the common council, and such license shall thereafter be void, and the council shall refund the license money paid therefor, except a fair proportion thereof for the time said license was in force.

County jail to be used by city.

SECTION 17. The use of the jail of Waupaca county, until otherwise provided, shall be granted to said city for the confinement of offenders, and every such offender shall be delivered to the sheriff of said county for whose custody, safekeeping and delivery the said sheriff shall be responsible as in other cases; but said county shall not incur or pay any liability or expense on account of any person committed to said jail for a violation of any ordinance, by-law, rule or regulation of said city, but such expenses shall be paid by the city.

Judgments against city.

SECTION 18. When a judgment shall be recovered against any officer of said city, or any ward thereof, in any action prosecuted by or against him, in his name of office, where the same should be paid by the city or ward thereof, no execution shall be issued or awarded upon such judgment, except as hereinafter provided, but the same, unless reversed, shall

be levied and collected as other city or ward charges, and when so collected shall be paid by the city treasurer to the person to whom the same shall be adjudged, upon the delivery of a proper voucher therefor; but if payment thereof be not made within sixty days after the city treasurer is required to make his return of city or ward taxes next after the rendition of such judgment, execution may be issued thereon, upon the order of the court authorized to issue such execution on special application therefor.

Members of council ineligible to other offices.

SECTION 19. No member of the common council shall be elected or appointed to any office, agency or place of public trust or profit by the council, except as provided by this act; neither shall the common council sell or authorize the sale of any city order or certificate of indebtedness for the purpose of raising money for the payment of any debt for less than the amount expressed upon the face thereof.

City orders not to be sold at discount.

Power of mayor to pardon.

SECTION 20. The mayor shall have power to grant pardons or commutations, after conviction, for all offenses against the ordinances of the city, upon such conditions as he may deem proper; he shall communicate any such action to the council, at its next meeting, with his reasons therefor. All fines imposed by the police court of the city of Waupaca, for violation of this act, or ordinances, by-laws or regulations made in pursuance thereof, shall be paid by the officer collecting the same, into the city treasury, and a separate account made thereof; and in the months of March and September in each year, the city clerk shall report to the council the amount so received during the preceding six months, and also the expenses attending such prosecutions in the city during the same year.

Fines to be paid into city treasury.

Removals from office.

SECTION 21 The mayor shall have power, and it shall be his duty, to remove from office any policeman for incompetency, misconduct or neglect in the discharge of his official duties, or for refusing or neglecting to perform such acts as are required of him by law.

Punishment for various offenses.

SECTION 22. Any person who shall be guilty of drunkenness, or immoderate drinking, improper reveling, obscenity, or noisy, boisterous or disorderly conduct in the streets or public places of the city of Waupaca, shall be deemed guilty of a misdemeanor, and on conviction thereof before the police justice of said city, shall be punished by a fine of not less than one, nor more than one hundred dollars, or by im-

prisonment in the county jail of Waupaca county for a term of not less than two days nor more than three months.

Complaints—how made.

SECTION 23. Whenever any complaint is made to the police justice of said city by any police officer, sheriff, policeman or other person, that any offense has been committed within the said city against the provisions of the charter of said city, or of the by-laws or ordinances passed in pursuance thereof, whether such offense is made punishable under such charter or ordinances, by fine, penalty or imprisonment, the said justice shall examine the complainant on oath, and reduce the complaint to writing, and cause the same to be subscribed by the complainant; and if it shall appear that any such offense has been committed, the said police justice shall issue his warrant, reciting the substance of the complaint, requiring the officer forthwith to arrest the accused and bring him before such police justice to be dealt with according to law. All the laws of this state relating to the manner of conducting criminal actions before justices' courts shall be applicable to all trials before the police justice under this act, so far as the same do not conflict with the provisions of this act; *provided*, when the complaint is made by any person other than a police officer of said city, or sheriff of Waupaca county, the said justice, before issuing his warrant, shall require security, as provided in section 13 [of chapter ten] of this act.

Proviso.

Compensation.

SECTION 24. No compensation or salary shall be paid the mayor or any alderman of said city, except as provided in section twenty-one of this chapter.

Assignment of licenses.

SECTION 25. No assignees of any license shall be permitted to pursue the occupation or business licensed, except by a vote of two-thirds of the common council.

Town and village officers to remain in office.

SECTION 26. The town board of supervisors of the town of Waupaca, and the board of trustees of the village of Waupaca, the town clerk, and village clerk, town treasurer and village treasurer of said town and village included, in whole or in part, within the city limits of said city, shall hold their respective offices, and discharge their respective duties as such officers until the first Tuesday in April next, in the same manner, and shall have the same power as if this act had not been passed, anything in this act to the contrary notwithstanding.

Act defined.

SECTION 27. This act is hereby declared to be a pub-

lic act, and shall be liberally construed in all courts of this state.

Approved March 5, 1875.

CHAPTER 259.

[*Published March* 19, 1875.]

AN ACT to amend section forty-nine (49,) of chapter thirteen (13,) of the revised statutes, entitled, "Of counties and county officers."

The people of the state of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section forty-nine (49), of chapter thirteen (13), of the revised statutes, entitled, "Of counties and county officers," is hereby amended so as to read as follows: Section forty-nine (49). Each member of the board of supervisors shall be allowed and paid by the the county, a compensation for his service and expense in attending the meetings of the board, at the rate of two dollars ($2.00) per day for the time he shall actually attend, and six cents for each mile traveled in going to or returning from the place of meeting, for any distance traveled, but no per diem allowance shall be made for any time occupied in traveling when mileage is allowed therefore; and no supervisor shall be allowed to draw pay for more than fifteen days attendance on the county board in any one year: *provided*, that in counties where the population exceeds fifteen thousand (15,000), the county board of supervisors may sit and receive pay for such a number of days in each year, not exceeding twenty, as they may deem necessary for the transaction of the business that may come before them.

Amended.

Compensation of supervisors.

Proviso.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 5, 1875.

CHAPTER 260.

[*Published March* 19, 1875.]

AN ACT to amend section 5, of chapter 103, of the general laws of 1872, entitled "An act authorizing the formation of town insurance companies," approved March 23, 1872, and the act amendatory thereto, approved March 17, 1873.

The people of the state of Wisconsin, represented in Senate and Assembly, do enact as follows:

Amended.

SECTION 1. Section (5), of chapter one hundred and three (103), of the general laws of eighteen hundred and seventy-two (1872), and the acts amendatory thereof, are hereby amended so as to read as follows:

Persons insured to give undertaking.

"Section five (5). Every person so insured shall give his undertaking, bearing even date with the policy so issued to him, binding himself, his heirs and assigns, to pay his pro rata share to the company of all losses or damages by fire or lightning, which may be sustained by any member thereof; and every such undertaking shall, within ten days after the acceptance by the said company of said undertaking, be filed in the office of the secretary of such company, and shall remain on file in such office except when required to be produced in court as evidence. He shall also at the time of effecting such insurance, pay such percentage in cash, and such reasonable sums for a policy as may be required by the rules or by-laws of the company."

To pay percentage in cash.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 5, 1875.

CHAPTER 261.

[*Published March* 19, 1875.]

AN ACT to amend section two of chapter sixty-five of the general laws of 1872, entitled "An act to provide for the depositing of funds of the counties, the taxable property of which shall exceed in valuation, as fixed by the state board of equalization, the amount of thirty million (30,000,000) dollars."

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section two of chapter sixty-five of the general laws of 1872, entitled "An act to provide for the depositing of the funds of the counties, the taxable property of which shall exceed in valuation, as fixed by the state board of equalization, the amount of thirty millions (30,000,000) of dollars," is hereby amended so as to read as follows: Section 2. The treasurer of any such county shall render weekly statements to the county clerk of such county of the amounts received and disbursed by him, and the balance over five thousand dollars on hand in the treasury at the end of each week, shall be deposited by such treasurer on Saturday of each week with the bank or banks or banking associations so selected, it or they giving proper vouchers therefor. From the time of so depositing such funds, and during the time such funds so deposited shall remain with such bank, banks or banking associations, such treasurer shall be relieved from all liability to the county arising from the failure of the bank, banks or banking associations safely to keep said funds. Such funds shall be drawn out only upon the check of such treasurer, countersigned by the county clerk of such county.

Amended.

Treasurer to render weekly statements and deposit balances.

How funds shall be drawn.

SECTION 2. The county treasurer of any such county shall hold no other county office, and be ineligible for two years next succeeding the termination of his office.

Treasurer ineligible to succeeding term.

SECTION 3. All acts and parts of acts, contravening the provisions of this act, are hereby repealed.

Conflicting acts repealed.

SECTION 4. This act shall take effect and be in force from and after its passage and publication.

Approved March 4, 1875.

CHAPTER 262.

[*Published March* 16, 1875.]

AN ACT to revise, consolidate and amend an act to incorporate the city of Green Bay, and the several acts amendatory thereof.

The people of the state of Wisconsin, represented in Senate and Assembly, do enact as follows:

CHAPTER I.

CITY OF GREEN BAY—ITS CORPORATE POWERS.

Corporate powers.

SECTION 1. All that district of country in the county of Brown, hereinafter described, shall be a city by the name of Green Bay, and the people now inhabitating, and those who shall inhabit said district, shall be a municipal corporation by the name of the city of Green Bay, and shall have the general powers possessed by municipal corporations at common law, and, in addition thereto, shall have and possess the powers hereinafter specifically granted; and the authorities thereof shall have perpetual succession, and shall be capable of contracting and being contracted with, suing and being sued, pleading and being impleaded, in all courts of law and equity, and shall have a common seal, and may change and alter the same at pleasure.

CITY BOUNDARIES.

City boundaries.

SECTION 2. All the territory within Brown county described as follows, to-wit: commencing at the mouth of East River, at the northwest corner of private claim number two, on the east side of Fox River, and running thence south, sixty-four degrees east, along the north line of said private claim number two, to the north-east corner thereof; thence south, twenty-six degrees west, along the east line of said claim, to the middle of said East River; thence up and along the middle of said East River to a point therein midway between the north and south line of private claim number nine; thence north, sixty-four degrees west, along the center line of said claim to the east side of Webster street; thence south, eighteen degrees west, twenty-six chains and sixty links to the south line of private claim number eleven;

thence south, twenty-six degrees west, twelve chains to the south line of private claim number twelve; thence north, sixty-four degrees west, eighty feet; thence north, twenty-six degrees east, twelve chains; thence north, eighteen degrees east, twenty-six chains and sixty links, to the middle of private claim number nine; thence north, sixty-four degrees west, along the middle of said claim to the center line of Fox river; thence down and along the center line of the channel of Fox River to the mouth of East river to the place of begining, shall be included in, and constitute the limits of the city of Green Bay.

WARD BOUNDARIES.

Ward boundaries.

SECTION 3. All that part of said city lying south of a line commencing in the center of the channel of the Fox River and running thence south sixty-four (64) degrees east, through the center of the tier of blocks commencing with block number four, upon the recorded plat of Astor, of record in the register's office of the county of Brown, to the eastern boundary line of said city in East River, shall be and constitute the first ward. All that part of said city bounded south by the first ward, as above described, west by the center line of the channel of Fox River; north by a line commencing in the center of the channel of said river, and running thence south, sixty-four (64) degrees east, along the northern boundary line of lots number nine, thirty, forty-seven, sixty-eight and eighty-three, as the same are laid down on the plat of Navarino, of record in the register's office of said county of Brown, to the west line of Jefferson street, thence in a northeasterly direction to the northwest corner of lot numbered five hundred and thirty-two on said last mentioned plat, thence south, sixty-four (64) degrees east, to the western boundary lines of Eleventh street, in said city, thence in a northeasterly direction to a point on the eastern boundary line of said Eleventh street, in the center of St. Clair street, at its junction with said Eleventh street, thence easterly along the center of said St. Clair street to the eastern terminus thereof, and thence south sixty-four (64) degrees east to the eastern boundary of said city, and east by the boundary line of said city, shall be and constitute the second ward. And all the remaining parts of said city lots not included in the first and second

wards, as above described, shall be and constitute the third ward.

CHAPTER II.

ELECTIVE OFFICERS.

City officers.

SECTION 1. The elective officers of said city shall be a mayor, three aldermen from each ward, a city treasurer, a chief of police, city clerk, city attorney, assessor and four justices of the peace for the city at large, one of said justices shall be elected as, and called police justice. All other officers necessary for the proper management of the affairs of said city, shall be appointed by the common council.

Tenure of office.

SECTION 2. All elective officers, except justices of the peace, shall, unless otherwise provided, hold their respective offices for one year, and until their successors are elected and qualified. Said justices of the peace shall hold their respective offices for two years and until their successors are elected and qualified; *provided*, that the treasurer and assessor shall each be freeholders of said city, and no person who may have held the office of city treasurer shall be eligible to such office for the next succeeding term thereafter.

ANNUAL ELECTIONS.

Elections.

SECTION 3. The annual elections for ward and city officers shall be held on the first Tuesday of April of each year, at such place in each ward as the common council shall designate; and the polls shall be kept open from nine o'clock in the forenoon till sundown, and ten days' previous notice shall be given by the common council in the official paper of said city of the time and place of holding such elections, and of the city and ward officers to be elected.

QUALIFIED ELECTORS.

Electors.

SECTION 4. All persons entitled to vote for county and state officers, and who shall have resided in the city for four months previous to the election, and for ten days within the ward where they offer to vote, shall be entitled to vote for any officer entitled to be elected under this law, and to hold any office hereby created; *provided*, *however*, that no person shall either by election or appointment hold any city office

unless such person is an actual resident of said city and a legal voter thereof.

ELECTION BY BALLOT—TIE VOTE.

SECTION 5. All elections by the people shall be by ballot, and a plurality of votes shall constitute an election. The votes for all elective officers shall be on one ballot, and shall be deposited in one ballot-box. When two or more candidates for an elective office shall receive an equal number of votes for the same office, the election shall be determined by casting of lots in the presence of the common council at such time and in such manner as they shall direct.

Election to be by ballot.

Tie vote.

INSPECTORS AND MANNER OF CONDUCTING ELECTIONS.

SECTION 6. The election in said city shall be held and conducted by the aldermen of each ward, who shall be the inspectors of elections in their respective wards, and shall take the usual oath or affirmation as prescribed by the general laws of this state to be taken by the judges and inspectors of elections, and shall have power to appoint clerks of such elections, and to administer the necessary oaths; and in case of the absence of any or all of the aldermen of the ward at the time for the opening of the polls, the voters present shall select some person or persons, to act in their places as inspectors of election. Said elections shall be held and conducted in the same manner and under the same penalties, and vacancies in the board of inspectors thereof filled as required by the laws of this state regarding elections.

Manner of conducting elections.

CHALLENGE OF VOTERS, OATHS, PENALTY FOR ILLEGAL VOTING. INSPECTORS TO KEEP LIST.

SECTION 7. If either of the inspectors shall suspect that any person offering a vote does not possess the qualifications of an elector, or if such vote be challenged by an elector, the inspector, before receiving the vote of any such person, shall require him to take the following oath: "You do solemnly swear (or affirm, as the case may be), that you are twenty-one years of age, that you are a citizen of the United States (or have declared your intentions to become a citizen, conformable to the laws of the United States on the subject of naturalization); that you have

Oath of elector.

resided within the state of Wisconsin one year (within this city four months, and within this ward ten days next preceding this election); that you have not voted at this election, and that you have made no bet or wager, or become directly or indirectly interested in any bet or wager, depending on the result of this election." And if the person offering to vote shall take such oath his vote shall be received; and if said person shall take such oath falsely, he shall be deemed guilty of wilful and corrupt perjury, and upon conviction thereof, upon indictment or information, shall suffer the punishment provided by law for persons guilty of perjury. If any person who is not a qualified voter shall vote at any election, or if any person duly qualified shall vote in any other ward than in the one in which he resides, or shall vote more than once at any one election, he shall forfeit and pay a sum not exceeding one hundred dollars, nor less than twenty-five dollars. It shall be the duty of the inspectors to keep a list of the names of all persons whose votes may be challenged as aforesaid, and who shall swear in their votes; and if any inspector shall knowingly and corruptly receive the vote of any person not authorized to vote, or shall make out false returns of an election, or if any clerk shall not write down the name of every voter as he votes, or shall willfully make untrue and incorrect counts and tallies of votes, each and every such inspector and clerk shall be liable to indictment on information, and on conviction thereof shall severally forfeit and pay a sum not exceeding five hundred dollars, nor less than one hundred dollars. All such indictments or informations shall be tried in the circuit court of the county of Brown.

Penalty for taking oath falsely and for illegal voting.

Duty of inspectors and clerks, and punishment for violation.

CANVASS AND RETURN OF VOTES.

Canvass and return of votes.

SECTION 8. When an election shall be closed, and the number of votes for candidate or person voted for shall be counted and ascertained, the said inspectors shall make a return thereof, stating therein the number of votes for each person for each and every office, and shall deliver, or cause to be delivered, such return to the city clerk within three days after any election. The common council shall, on the fourth day after such election, meet and canvass said returns, and declare the result as it appears from the same, and the city clerk shall forthwith give notice to each person elected of his respective election.

EXPULSION AND REMOVALS.

SECTION 9. The common council shall have power, for due cause, to expel any of their own number, and to remove, for cause, from office any officer or agent under the city government, due notice being first given to the officer complained of. The mayor shall have power to suspend any police officer or watchman appointed by the council, when complained of, until the council shall take up his case and dispose of it. He shall also have power to fill any vacancy thus created for the time being. Expulsions and removals.

VACANCIES—WHEN OFFICE DEEMED VACANT.

SECTION 10. Any officer removing from the city, or any ward officer removing from the ward for which he is elected, or any officer who shall neglect or refuse for ten days after notice of his election or appointment, to enter upon the discharge of the duties of his office, shall be deemed to have vacated his office, and the common council shall proceed to fill such vacancy as herein provided. Vacancies.

VACANCIES—HOW FILLED.

SECTION 11. Whenever a vacancy shall occur in the office of mayor, city clerk, city attorney, alderman, or justice of the peace, such vacancy shall be filled by a new election, which shall be ordered by the common council within ten days after such vacancy shall occur. Any vacancy happening in any other office, shall be filled by the common council. The person elected or appointed to fill any vacancy, shall hold his office and discharge the duties thereof for the unexpired term, and with the same right, and subject to the same liabilities as the person whose office he may be elected or appointed to fill. Vacancies—how filled.

SPECIAL ELECTIONS.

SECTION 12. Special elections to fill vacancies, or for any other purpose, shall be held and conducted by the aldermen of each ward, in the same manner, and the returns thereof shall be made in the same form and manner as general or annual elections, and within such time as may be prescribed by ordinance. Special elections.

ELECTIONS AND CLASSIFICATION OF ALDERMEN.

Aldermen and supervisors.

SECTION 13. There shall be elected at the first election under this act, one alderman for each ward, who shall hold his office for one year; and thereafter at the next annual election, two aldermen in each ward who shall hold office for one year; and thereafter and at the annual election of 1877, three aldermen for each ward, each year. There shall each year also be elected a supervisor for each ward, to represent the city in the county board of supervisors, who shall hold his office one year.

TERMS OF OFFICE OF PRESENT OFFICERS.

Terms of office.

SECTION 14. All the city and ward officers now in office shall hold their respective offices until their successors shall be elected or appointed under this act: and the term of every officer elected under this act shall commence on the second Tuesday of April of the year for which he was elected, and shall, unless herein otherwise provided, continue for one year and until his successor is elected and qualified.

Present officers to conduct first election.

SECTION 15. All the duties herein required of the common council and aldermen in regard to elections shall be performed, so far as may be necessary, by the present common council and aldermen, in regard to the first election and the organization of the city government under this act.

New elections.

SECTION 16. Should there be a failure by the people to elect any officer herein required to be elected, on the day designated, the common council may order a new election to be held, ten days notice of the time and place of holding the election, first being given.

FIRST ELECTION.

First election.

SECTION 17. The first election of officers under this act shall be held on the first Tuesday of April, 1875.

CHAPTER III.

OFFICERS' POWERS AND DUTIES—OATH AND BOND.

Officers to take oath and file bonds.

SECTION 1. Every person elected or appointed to any office under the provisions of this act, except justices of the peace, shall, before entering upon the

duties of his office, take and subscribe the oath of office prescribed in the constitution of this state, and file the same, duly certified by the officer taking the same, with the clerk of the city. The treasurer, clerk, chief of police and such other officers as the common council may direct, shall each, before entering upon the duties of his office, execute to the city of Green Bay a bond with two or more sureties, the aggregate amount of whose property within the state, above all their respective debts, liabilities and exemptions, as shown by their several and respective affidavits attached to or endorsed on such bond, shall be at least double the sum named as penalty in such bond. Said bonds shall contain such penal sum, and such conditions as the common council may deem proper, and shall be subject to the approval of said council. The council may, from time to time, require new additional bonds and remove from office any officer neglecting or refusing to give the same. All official bonds executed to the city of Green Bay, except that of the city clerk, shall be filed with and safely preserved by the city clerk in his office, unless the common council shall otherwise direct. The bonds of all officers who may be charged with the collection or safe keeping, or with the disposition or disbursement of any of the funds of said city, or may have any control over such funds at any time, and such other bonds as the common council may direct, shall be duly witnessed and acknowledged, and recorded in the office of the register of deeds of the county of Brown. Transcripts from the record of such bonds in the office of the register of deeds duly certified by such register, shall be evidence of the due execution and contents of the bonds so recorded, in case of loss of the originals. The bond of the city clerk shall be filed with the city treasurer.

Bonds—with whom filed, etc.

MAYOR—HIS DUTIES.

SECTION 2. The mayor shall preside over the meetings of the common council, but shall have a vote only in case of a tie. He shall take care that the laws of the state and the ordinances of the city are duly observed and enforced, and that all officers of the city discharge their respective duties. He shall, from time to time, give the common council such information and recommend such measures as he may deem advantageous to the city. The mayor shall be chief executive officer and head of the police

Duties of mayor.

of the city, and when in his judgment occasion requires, he may appoint as many special or temporary policemen as he may deem necessary.

PRESIDENT—HIS DUTIES.

Duties of president.

SECTION 3. The common council shall, after their first meeting for organization each year after the annual election, choose by ballot from their number, a president, who, in the absence of the mayor, shall preside over the meetings of the common council, and in case of absence of the mayor from the city, or his inability for any reason to discharge the duties of his office, the president shall exercise all the powers and discharge all the duties of the mayor for the time being, except the signing of city bonds. In case of the absence of both mayor and the president at any meeting of the council, the council may choose from their number a president *pro tem.*, who, for the time being, shall discharge all the duties of mayor. The president or president *pro tem.*, while presiding over the council, or performing the duties of mayor, shall be styled acting-mayor, and their acts, except the signing of city bonds, shall have the same force and validity as if done by the mayor.

President pro tem.

CITY CLERK—HIS DUTIES, ETC.

Duties of city clerk.

SECTION 4. The city clerk shall hold his office for one year, and until his successor is elected and qualified. The clerk shall keep the corporate seal and all the papers and records of the city, and keep a full record of the proceedings of the common council, at whose meetings it shall be his duty to attend. Copies of any and all books, papers, instruments or documents duly filed and kept in his office, and of the endorsments thereon, and transcripts from the records of the proceedings of the common council, duly certified by him, under the corporate seal of the city, shall be evidence in all courts, in like manner as the originals. He shall draw and countersign all orders on the treasury, in pursuance of any order or resolution of the common council, and keep a full and accurate account thereof, and of the fund on which the same is drawn, in books provided for that purpose. He shall also keep, in such manner as the council may direct, an accurate account with the treasurer, and charge him with all tax lists delivered to him for collection,

and all sums of money paid into the treasury. He shall file in his office all chattel mortgages presented to him for that purpose, and the renewals thereof, and safely keep the same, receiving therefor the same compensation as clerks of towns. All chattel mortgages so filed, and the renewals thereof, shall be as valid and legal as if the same had been filed in any town. The clerk shall have power and authority to administer oaths and affirmations. Whenever the clerk shall be absent from any cause, the council may appoint a clerk pro tem., who, for the time being, shall be vested with the powers and duties of the clerk. The clerk shall receive an annual salary to be fixed by the council, payable quarterly.

CITY ATTORNEY AND DUTIES.

Duties of city attorney.

SECTION 5. The city attorney shall conduct all the law business of the corporation. He shall, when required, furnish opinions upon subjects connected with the welfare of the corporation, submitted to him by the council or any of its committees. He shall keep a docket of all cases to which the city may be a party, in any court of record, in which shall be briefly entered all steps taken in each cause, which docket shall be the property of the city, and shall at all times be open to the inspection of the mayor or any committee of the common council. It shall also be the duty of the city attorney to draft all general ordinances, all bonds, contracts, leases, conveyances and other instruments of writing that may be required by the business of the city. And to perform said other duties as may be prescribed by the charter and ordinances. He shall receive an annual salary to be fixed by the council, payable quarterly.

STREET SUPERINTENDENT—HIS DUTIES, ETC.

Duties of street superintendent

SECTION 6. The common council shall also at their first meeting for organization each year after the annual election, choose by ballot a street superintendent. The street superintendent shall see that all ordinances of the city relating to the obstruction and cleaning of sidewalks, streets, bridges, alleys, public grounds, reservoirs, gutters, sewers and waters of the rivers in said city are duly observed and kept, and to control the persons employed therein. He shall have the general supervision over all work let by con-

tract for the making, grading, paving, graveling, planking, repairing and cleaning of streets, bridges, alleys, public grounds, reservoirs and gutters, unless the common council shall otherwise direct. He shall receive such compensation as the council may determine.

CITY SURVEYOR—HIS DUTIES.

Duties of city surveyor.

SECTION 7. The common council may also at their first meeting for organization after the annual election, or as soon thereafter as convenient, elect a city surveyor, who shall be a practical surveyor and engineer. He shall keep his office at some convenient place within said city, and the common council shall prescribe his duties and fix the fees and compensation for any service performed by him. All surveys, profiles, plans or estimates made by him for the city or either of the wards, shall be the property of said city, and shall be carefully preserved in the office of the surveyor, open to the inspection of parties interested.

JUSTICES OF THE PEACE—JURISDICTION, ETC.

Justices of the peace.

SECTION 8. The justices of the peace elected under this act shall have the same jurisdiction and perform all the duties of justices of the peace, and shall qualify in the same manner, as provided by the general laws of this state, except that the official bonds or agreements shall be approved by a majority of the common council. The police justice shall also have exclusive jurisdiction in all cases arising under this act, and the ordinances, resolutions and by-laws passed by said city council.

ASSESSOR—HIS DUTIES.

Duties of assessor.

SECTION 9. The assessor shall assess all the taxable property of the city of Green Bay, as required by law, without regard to wards, and shall complete and return his assessment-roll in the manner hereinafter provided, and receive such compensation as the council may determine.

TREASURER—HIS DUTIES.

Duties of treasurer.

SECTION 10. The treasurer of said city shall perform

such duties and exercise such powers as may be required of him by the ordinances of said city and the laws of this state. He shall receive all moneys belonging to the city, and keep an accurate and detailed account thereof, and of each fund seperately, together with an account of all disbursements, in suitable books to be provided for that purpose, and in such manner as the common council shall direct. At the first regular meeting of the common council in each month he shall make a report embracing a statement in detail of the receipts and disbursements in his office since the last preceding monthly report, an account of the general fund and of each fund which he is required to keep distinct and separate from other funds in the city treasury; and also the total receipts and disbursments during the same time, and the condition of each of said funds at the date of the report. Such reports, when made, shall be published with the proceedings of the common council. He shall disburse none of the money belonging to any of the funds of the city except by an order thereon duly issued by direction of the common council, which order shall be signed by the mayor and countersigned by the clerk, and when paid shall be canceled by the treasurer. The treasurer shall be a collecter of taxes, and for his services receive the same compensation, except as hereinafter provided, [and] be governed by the same laws and be subject to the same liabilities as treasurers of towns.

TREASURER—ANNUAL REPORT.

Report of treasurer.

SECTION 11. On the first day of April in each year the treasurer shall file in the office of the city clerk a statement showing in detail the monthly receipts and disbursements of the preceding year, an account of each separate fund, and the condition of such funds at the date of the report.

CHIEF OF POLICE—HIS DUTIES.

Duties of chief of police.

SECTION 12. The chief of police shall attend all meetings of the common council, and shall perform such duties as shall be prescribed by the council for the preservation of the public peace, and collection of license moneys and fines, and shall receive such compensation as the council may determine. He shall possess all the powers of constables of towns,

and be subject to the same liabilities. He shall execute and return all writs and processes to him directed, and when necessary in criminal cases, or for the violation of any ordinance of said city, or law of the state, may pursue and serve the same in any part of the state. He shall suppress all riots, disturbances and breaches of the peace, and abate all nuisances therein. He shall apprehend all persons in the act of committing any offense against any ordinance of said city or laws of this state, and within reasonable time bring such persons before competent authority for examination; and for such services he shall receive such fees as are allowed to constables for like services. He shall have power to appoint one or more deputies, to be approved by the common council, but for whose official acts he shall be responsible, and of whom he may require bonds for the faithful discharge of their duties.

OTHER DUTIES MAY BE REQUIRED OF OFFICERS.

Authority of council over officers.

SECTION 13. The common council shall have power from time to time to require other and further duties to be performed by any officer whose duties are herein prescribed, and to appoint such other officers as may be necessary to carry into effect the provisions of this act, and to prescribe their duties and to fix the compensation of all officers elected or appointed, when the same shall not be fixed by law. Such compensation shall be fixed by resolution or ordinance at the time the office is created, or as soon as practicable after the commencement of the municipal year, and shall not be increased or diminished during the term of such officer. The common council shall also have power to dismiss any officer appointed by said council under the provisions of this section, at any time when in the judgment of said council the services of such officer are no longer needed.

Compensation.

Official papers

SECTION 14. The common council at their first meeting in each year, or as soon thereafter as may be, shall designate one or more newspapers printed in said city, in which shall be published all ordinances, notices and other proceedings and matters required by this act, or the by-laws or ordinances of the common council, to be published in a public newspaper, which printing or publishing shall be let by contract to the lowest bidder or bidders.

SECTION 15. The city printer or printers immedi-

ately after the publication of any notice or ordinance, or resolution, or by-law, which by this act is required to be published, shall file with the clerk of the city a copy of such publication, with his or their affidavit or the affidavit of his or their foreman, of the length of time the same has been published, and such affidavit shall be conclusive evidence of the publication of such notice, ordinance, or by-law or resolution, and the clerk shall file and keep the same in his office.

Proof of publication.

SECTION 16. If any person having been an officer in the city, shall not, within ten days after notification and request, deliver to his successor in office all property, books, papers and effects belonging to said city, or pertaining to the office he may have held, he shall forfeit and pay to the use of the city not less than one hundred dollars, nor more than five hundred dollars, besides all damages caused by his neglect or refusal so to deliver, and such successor may recover the possession of such books, papers, property and effects in the manner prescribed by the laws of this state.

Penalty for failure to deliver books, etc. to successor.

SECTION 17. The mayor, acting mayor, sheriff of Brown county, and each and every alderman, justice of the peace, chief of police, under sheriff and deputy sheriff of Brown county, constables, policemen and watchmen, shall be officers of the peace, and may command the peace, and suppress in a summary manner all rioting and disorderly behavior within the limits of the city, and for such purpose may command the assistance of all bystanders, and if need be of all citizens and military companies; and if any person, bystander, military officer or private, shall refuse to aid in maintaining the peace when so required, every such person shall forfeit and pay a fine of fifty dollars; and in case where the civil power may be required to suppress riot or disorderly behavior, the superior or senior officer present, in the order mentioned in this section, shall direct the proceedings.

Peace officers—their duties.

CHAPTER IV.

THE COMMON COUNCIL—ITS SPECIAL POWERS.

SECTION 1. The mayor and aldermen shall constitute the common council, and the style of all ordinances shall be "The mayor and common council of the city of Green Bay do ordain," etc.

Common council.

MEETINGS.

Meeting of council and general rules therefor.

SECTION 2. The common council shall hold their first annual meeting in each year on the second Tuesday of April, and thereafter stated meetings at such time and places as they shall appoint, and the mayor may call special meetings by notice of at least twenty-four hours, to each of the members, to be served personally or left at his usual place of abode, which notice shall specify the object of the meeting and the business to be transacted, and no other business shall come before such meeting. The common council shall determine the rules for their own government and proceedings, provided such rules are consistent with the provisions of this act. A majority of the aldermen elected shall constitute a quorum for the transaction of business, but a smaller number may adjourn. Their sessions shall be open and public; their proceedings shall be recorded in full, and all their papers and records, and all election returns, shall be deposited with the clerk of the common council, and the same may be examined at any time in the presence of the clerk. The vote of the common council shall, in all cases, be taken by ayes and noes, and every vote shall be entered at length upon the journal. The common council shall be the judge of the election and qualification of its own members, and may punish its members or other persons present, by fine, for disorderly behavior, may compel the attendance of its members upon its sessions, and may employ the chief of police and police of said city for that purpose; and may fine or expel any member for neglecting his duty as such member, as [or] for unnecessary absence from the sessions of the board.

POWERS OF COUNCIL.

Council to have control of finances.

SECTION 3. The common council shall have the management and control of the finances, except school moneys, and of all other property in the city; and shall, likewise, in addition to all other powers herein vested in them, have full power and authority to make, enact, ordain, establish, publish, enforce, alter, modify, amend and repeal all such ordinances, rules, resolutions and by-laws for the government and good order of the city for the suppression of vice, for the prevention of crime, and for the benefit of the trade,

General powers of council.

commerce and health thereof, and for carrying into effect the powers vested in said common council, and to declare and impose penalties and to enforce the same against any person or persons who may violate any of the provisions of such ordinances, rules, by-laws, and regulations, and such ordinances, rules and by-laws are hereby declared to be and have the force of law; *provided*, that they be not repugnant to the constitution and laws of the United States or of this state; and for these purposes shall have authority, by ordinance, resolution or by-law:

To regulate places where liquors are sold.

(1.) To regulate groceries, taverns, victualing houses, saloons, gardens and all other places within said city where spirituous, vinous or fermented liquors are sold or given away, and to license, regulate and restrain tavern keepers, groceries, keepers of saloons, victualing houses or other houses or places for the dealing in, selling or giving away spirituous, vinous or fermented liquors, and to regulate the amount to be paid for such licenses, and to restrain or prohibit any person from vending, giving or dealing in spirituous, vinous or fermented liquors, unless duly licensed by authority of the common council; *provided*, that the amount charged for such license shall in no case be less than fifty dollars, nor more than three hundred dollars per annum. Such licenses shall not be granted for a longer term than one year, and shall run from the 1st day of May; *provided, however*, when any such license is applied for after that date, the same may be granted to expire on the first day of May, next following, on the applicant paying pro rata therefor.

Proviso.

Billiard tables, etc.

(2.) To license, tax, regulate, suppress or prohibit billiard tables, nine or ten pin alleys, bowling saloons and ball alleys.

Shows.

(3.) To license, tax, regulate, suppress, and prohibit all exhibitions of common showmen, shows of any and every kind, concerts or other musical entertainments, exhibitions of natural or artificial curiosities, caravans, circuses, theatrical performances and all other exhibitions and amusements.

Gambling.

(4.) To restrain, prohibit and suppress all descriptions of gambling and fraudulent devices and practices, and all playing of cards, dice or other games of chance, with or without betting.

Riots, noise, etc.

(5.) To prevent any riot, noise, disturbance or disorderly assemblages, suppress and restrain disorderly houses or groceries, and houses of ill-fame, and to

authorize the destruction of all instruments used for the purpose of gaming.

Unwholesome places.

(6.) To compel the owner or occupant of any grocery, cellar, tallow chandler's shop, soap factory, tannery, stable, barn, privy, sewer, or other unwholesome, nauseous house or place, to cleanse, remove or abate the same from time to time, as often as it may be necessary for the health, comfort and convenience of the inhabitants of said city.

Breweries, tanneries, etc.

(7.) To direct the location and management of, and regulate breweries, tanneries and packing houses; and to direct the location, management and construction of, and regulate, license, restrain, abate or prohibit within the city limits and the distance of two miles therefrom, distilleries, slaughter houses, establishments for steaming or rendering lard, tallow, offal, and such other substances as can or may be rendered, and all establishments or places where any nauseous, offensive or unwholesome business may be carried on.

Streets, alleys, etc.

(8.) To prevent the encumbering of streets, sidewalks, lanes or alleys, with railroad cars, locomotives, engine or engines, carriages, carts, wagons, sleighs, boxes, lumber, pine, wood, or any other materials or substances whatever.

Horse racing.

(9.) To prevent horse-racing and immoderate riding or driving in the streets, and to authorize any person to stop persons immoderately riding or driving as aforesaid; to prohibit and punish the abuse of animals, and to compel persons to fasten their horses, oxen, or other animals attached to vehicles or otherwise, while standing or remaining in any street, alley or public ground.

Gunpowder.

(10.) To license, regulate and restrain the keeping, conveying, vending and storage of gunpowder, and other combustible and dangerous material.

Bathing.

(11.) To regulate and determine the times and places of bathing and swimming in the rivers, harbor and other waters in and adjoining said city, and to prevent any obscene or indecent exhibition, exposure or conduct.

Cattle, horses, etc.

(12.) To restrain, regulate or prohibit the running at large of cattle, horses, mules, swine, sheep, goats, poultry and geese, and to authorize the distraining, impounding and sale of the same, for the penalty incurred and the costs of the proceedings; and also to impose penalties on the owners of any such ani-

mals for a violation of any ordinances in relation thereto.

(13. To prevent the running at large of dogs, and to authorize the destruction of the same in a summary manner when at large contrary to the ordinance. **Dogs.**

(14.) To prevent any person from bringing, depositing or having within said city any putrid carcass or other unwholesome substance, and to require the removal of the same by any person who shall have upon his premises any such substance, putrid or unsound beef, pork, fish, hides, skins, or substance of any kind, and on his default to authorize the removal thereof by some competent officer at the expense of such person or persons. **Unwholesome substances.**

(15.) To make and establish public pounds, pumps, wells, cisterns and reservoirs, and to provide for the erection of water works for the suply of water to the inhabitants, and to prevent unnecessary waste of water. **Pounds, pumps water-works, etc.**

(16.) To erect lamps, and regulate the lighting thereof; and to provide for lighting streets, public grounds and public buildings with gas or otherwise. **Lamps.**

(17.) To regulate, license and suppress omnibus drivers, hackmen, coachmen, cabmen, cartmen, draymen and all others who may pursue like occupations in this city and to prescribe their compensation. **Omnibuses, hacks, etc.**

(18.) To restrain and regulate runners and solicitors for boats, vessels, cars, railroads, stages, public houses or other establishments. **Runners.**

(19.) To establish and regulate boards of health, and define their powers and duties. **Health.**

(20.) To provide hospitals and cemetery grounds, regulate the burial of the dead and the return of the bills of morality, and exempt burial grounds, set apart for public use, from taxation. **Hospitals and cemeteries.**

(21.) To erect or establish one or more pest-houses, hospitals and dispensaries, and control and regulate the same. **Pest-houses.**

(22.) To regulate, control and prevent the landing of persons from boats or vessels wherein are contagious or infectious diseases or disorders, and to make such disposition of such persons as to preserve the health of said city, and also to make regulations to prevent the introduction of contagious diseases into the city, or their spread therein, and to make quarantine laws or regulations, and enforce the same within the city and not exceeding two miles beyond the city limits. **Contagious diseases.**

Nuisances.

(23.) To abate and remove all nuisances under the ordinances, the laws of the state, or at common law, and punish the authors thereof by penalities, fine and imprisonment; and to define and declare what shall be deemed nusiances, and authorize and direct the summary abatement thereof; but nothing in this act shall be so construed as to oust any court of its jurisdiction to abate and remove nuisances in the streets, or any other part of the city, or within its jurisdiction, by indictment, information or otherwise.

Markets.

(24.) To establish public markets and make rules and regulations for the government of the same; to appoint suitable officers for overseeing and regulating such markets, and to restrain all persons from interrupting or interfering with the due observance of such rules and regulations.

Bread.

(25.) To regulate the size, weight, quality and sale of bread, and to provide for the siezure and forfeiture of bread baked contrary thereto.

Sidewalks.

(26.) To prevent all persons riding or driving any ox, mule, cattle or other animal on the sidewalks in said city, or in any way doing any damage to said sidewalks.

Fireworks.

(27.) To prevent the shooting of firearms or crackers, and to prevent the exhibition of any fireworks in any situation which may be considered by the council dangerous to the city or any property therein or annoying to any citizen thereof.

Vagrants.

(28.) To restrain and punish vagrants, mendicants street beggars and prostitutes, and to restrain drunkenness or obscenity in the streets or public places and to provide for arresting, removing and punishing any person or persons who may be guilty of the same.

Butchers.

(29.) To regulate butchers, and to regulate and restrain the sale of game, poultry, fresh meat, vegetables, fish, butter, eggs and other provisions, in the city, and to cause the seizure and destruction of tainted or unwholesome meat, butter, vegetables, fruit or provisions.

Hay, fuel, lime, etc.

(30.) To regulate the place and manner of weighing and selling hay, and measuring and selling fuel and lime, and to appoint suitable persons to superintend and conduct the same, and to appoint a fish inspector, and regulate by ordinance his duties and fees and to regulate the measuring and inspection of lumber, shingles, timber, posts, staves and headings, and all building material, and to appoint an inspector.

(31.) To compel the owners and occupants of buildings and grounds to remove snow, dirt or rubbish from the sidewalks, streets or alleys opposite thereto, and to compel such owner or occupants to remove from the lot owned or occupied by him all such substances as the board of health shall direct, and in his default, to authorize the removal or destruction thereof by some officer of the city, at the expense of such owner or occupant. Rubbish.

(32.) To regulate the construction of piers and wharves extending into Fox and East Rivers within the limits of the city. Piers and wharves.

(33.) To establish wharf and dock lines upon the banks of Fox and East Rivers within said city, and to restrain and prevent encroachment upon said rivers, and obstructions thereto; and to construct, alter and maintain, or cause to be constructed, altered and maintained, at the expense of the city or either ward, wharves at the foot of the streets along the bank of said rivers. Wharf and dock lines.

(34.) To appoint watchmen and policemen, and to establish and regulate the police of the city, and prescribe their duties. Police.

(35.) To regulate the times, places and manner of holding public auctions and vendues. Auctions.

(36.) To tax, license and regulate auctioneers, distillers, brewers, and pawn-brokers, and to tax, license, regulate and restrain hawkers and peddlers, and keepers or proprietors of gift book stores, gift concerts and other gift enterprises. Peddlers, etc.

(37.) To protect monuments in the city, and to direct and regulate the planting and preservation of ornamental trees in the streets and public grounds. Trees and monuments.

(38.) To provide by ordinance for a standard of weights and measures, and for the punishment of the use of false weights and measures. Weights and measures.

(39.) To provide for and regulate the construction of gutters or sewers within said city. Gutters and sewers.

(40.) To control, regulate, repair, amend, and clear the streets and alleys, bridges, and side and cross-walks, and lay out, open, widen, straighten, alter and vacate streets and alleys, and establish and alter the grade thereof, and alter or change the name thereof, and prevent the encumbering of the streets and alleys in any manner, and protect the same from any encroachment or injury; or to regulate the manner of using the streets and pavements in said Streets, bridges and sidewalks.

city, and protect the same from injury by vehicles used thereon.

Jurisdiction of police justice.

(41.) The police justice elected under this act shall have exclusive jurisdiction as justice of the peace, for two years or until his successor is appointed or elected, in all actions for the recovery of any penalty or fine under all laws of said city, and all ordinances, by-laws or police regulations thereof. Should any vacancy occur, or the police justice be unable for any cause to perform the duties of that office, the common council shall appoint one of the other justices to hold such office until the disability is removed or the vacancy filled by a new election.

Police court.

(42.) The police justice shall hold a police court in said city at such place as the common council shall designate and provide.

Streets, alleys, etc.

(43.) To control and regulate the streets, alleys and public grounds in said city, and to remove and abate any obstructions and encroachments therein.

Lumber.

(44.) To regulate or prohibit the keeping of any lumber yard, and the placing, piling or selling of lumber, timber, wood or other combustible material within the limits of said city.

Steam engines.

(45.) To provide for the inspection and regulation of stationary steam engines and boilers.

Fines.

(46.) To impose fines for all violations, within the limits of said city, of the general laws of this state, when, in their judgment, it is necessary for the peace and good order, or for the health of said city.

Rivers and harbors.

(47.) To preserve the rivers and harbors; to prevent any use of the same or any act in relation thereto inconsistent with or detrimental to the public health, or calculated to render the waters of the same or any part thereof, impure or offensive, or tending in any degree to fill up or obstruct the same; to prevent and punish the casting or depositing therein of any earth, dead animals, ashes or other substance, or logs or floating matter; to prevent and remove all obstructions therein, and punish the authors thereof.

Vagrants.

(48.) To authorize the arrest, fine and imprisonment as vagrants, of all persons, who, not having visible means to maintain themselves, and without employment, idly loitering or rambling about or staying in groceries, drinking saloons, houses of ill fame or houses of bad repute, gambling houses; or who shall be found trespassing in the night time upon the private premises of others, or begging, or placing themselves in the streets or other thorough-

fare or public place to beg or receive alms; also keepers, exhibitors or visitors at any gaming-table, gambling-house, or other place of device; and all persons who go about for the purpose of gaming, or who shall have in their possession any article or thing used for obtaining money under false pretenses, or who shall disturb any concert, theatre, or other public entertainment, or place where public or private schools are held, either week day or Sunday, or places where religious worship is held.

Concealed weapons.

(49.) To regulate or prohibit the carrying or wearing by any person under his clothes or concealed about his person, of any pistol, sling-shot, or knuckles, bowie-knife, dirk-knife, or dirk or dagger, or any other dangerous or deadly weapon; and to provide for the confiscation or sale of such weapon.

Ordinances, by-laws, etc.

(50.) To make, ordain, amend and repeal all such ordinances, by-laws and police regulations, not contrary to the constitution of this state, for the good order and government of the city, and which may be necessary or expedient to carry into effect the powers vested in the mayor and common council, or any officer of said city by this act, or which may be vested in any officer of said city by any ordinance thereof.

Manner of passing ordinances, by-laws etc.

SECTION 4. All laws, ordinances, regulations and by-laws shall be passed by an affirmative vote of a majority of the common council, and shall be signed by the mayor and shall be published in the official paper or papers of said city once before the same shall be in force, and within fifteen days thereafter they shall be recorded by the city clerk in books to be provided for that purpose; but before any of the said laws, ordinances, regulations or by-laws shall be recorded, the publication thereof shall be proved by the affidavit of the foreman or publisher of such newspaper, and said affidavit shall be recorded therewith, and at all times, and in all courts and places shall be deemed and taken as sufficinnt evidence of the time and manner of such publication; such record of such law, ordinance, regulation or by-law, and the proof of such record certified by the clerk, under the seal of the city, or any printed books containing the same, purporting to have been published under the sanction of the mayor and council, shall be prima facie evidence of the due passage and publication of such law, ordinance, regulation or by-law. No ordinance shall be passed, no appropriation shall be made, and no act, regulation, resolution or order which may create a debt

or liability against said city, or a charge upon any fund thereof, shall be adopted without a vote in its favor of a majority of all the aldermen entitled to seats in the common council.

When ordinance shall take effect.

SECTION 5. No ordinance or resolution requiring the signature of the mayor shall take effect until seven days after the passage of the same, unless sooner approved in writing by the mayor or acting mayor for the time being.

Mayor may veto acts of council.

SECTION 6. The mayor shall have power to veto any ordinance, act or resolution passed by the common council by notifying the common council of his objections thereto, at any time within seven days after the passage of such ordinance or resolution. In case of no session of the council on any day after the passage of the same and before the expiration of the said seven days, such notification shall be made by filing with the clerk a copy of his objections, and the clerk shall thereupon call a special meeting of the council in the manner provided by section two of this chapter to consider said veto and objections; and in case the council shall not, within one week after receipt of such objection, or such filing with the clerk, re enact such ordinance, or pass such resolution by the vote of two-thirds of the aldermen elect, the same shall be null and void. If the mayor shall not return any ordinance, act or resolution so presented to him, within seven days after the passage thereof, it shall take effect in the same manner as if he signed it.

When vote may not be reconsidered.

SECTION 7. No vote of the common council shall be reconsidered or rescinded at a special meeting unless at such special meeting there be present as large a number of aldermen as were present when such vote was taken.

Ordinances, etc., to be referred to committees.

SECTION 8. All ordinances, petitions and communications to the common council, and all accounts and resolutions appropriating money or creating any charge against any of the funds of said city, shall be referred to appropriate committees, and shall only be acted on by the common council at a subsequent meeting not held on the same day, on the report of the committee to which the same were referred. Action upon any report of a committee made to the common council, shall be deferred to the next regular meeting of the same, by request of one-third of the aldermen present.

Powers of council not to bar suits.

SECTION 9. The powers conferred upon the said council to provide for the abatement or removal of

nuisances shall not bar or hinder suits, prosecutions or proceedings in the courts according to law. Depots, houses or buildings of any kind wherein more than ten pounds of gun-powder are deposited, stored or kept at any one time, gambling houses or houses of ill-fame, disorderly taverns and houses or places where spirituous, vinous or fermented liquors are sold without license required therefor within the limits of said city, are hereby declared and shall be deemed public or common nuisances.

Council to examine and adjust accounts of officers.

SECTION 10. The council shall examine, audit and adjust the accounts of the clerk, treasurer, chief of police, superintendent of streets, and all other officers and agents of the city, at such times as they may deem proper, and also at the end of each year and before the time for which the officers of said city are elected or appointed shall have expired, and the common council shall require each and every such officer and agent to exhibit his books, funds and money, accounts and vouchers for such examination and settlement; and if any such officer or agent shall refuse to comply with the orders of said council in the discharge of his said duties, in pursuance of this section, or shall neglect or refuse to render his account or present his books, funds, moneys and vouchers to said council, it shall be the duty of the common council to declare the office of such person vacant; and the common council shall order suits and proceedings at law against any officer or agent of said city who may be found delinquent or defaulting in his accounts, or in the discharge of his official duties, and shall make a full record of all adjustments and settlements.

Officers to exhibit books, vouchers, etc.

CHAPTER V.

OPENING OF STREETS AND ALLEYS AND TAKING PROPERTY FOR OTHER PUBLIC PURPOSES.

Opening of streets, alleys, etc.,—mode of procedure.

SECTION 1. The common council shall have power to lay out public squares, grounds, streets and alleys, and to widen the same, as follows: Any ten or more freeholders residing in the ward, may by petition represent to the common council that it is necessary to take certain lands within the ward where such petitioners reside, for public use for the purpose of laying out public squares, grounds, streets or alleys, or the enlarging or widening of the same, setting forth in such petition the courses and distances, metes

and bounds of the lands proposed to be taken, together with the names and residences of the owners of such premises, if the same shall be known to the petitioners. Every person signing such petition shall write after his signature thereto a brief description of his real estate which makes him a freeholder, and the place of his residence in the city. Persons in actual possession of real estate under a valid contract for its purchase from the owner thereof shall be deemed to be freeholders within the meaning and for the purpose of this section. Before such petition shall be acted upon by the common council, the petitioners shall cause to be executed and delivered to the city clerk a bond in the penal sum of five hundred dollars ($500), with sureties to be approved by the council, conditioned that they will prosecute their application to effect, and pay all costs which the city may sustain in consequence of such application.

Petitioners to give bond.

Petition to be filed with council and notice given to occupants of land to be taken.

SECTION 2. Such petition shall be filed with the common council who shall thereupon cause notice of such application to be given to the occupant or occupants of such lands, if any there be, or if any portion of said lands shall not be in actual occupation of any person, then the common council shall cause such notice describing, as near as may be, the premises proposed to be taken, to be published in the official paper or papers four weeks successively, at least once in each week. Such notice shall state that upon a day therein to be named, not less than ten days from the service of such notice, or the expiration of such publication, as the case may be, application will be made to the county judge or a court commissioner for the county of Brown, for the appointment of twelve jurors to view said premises, and determine whether it will be necessary to take the same for the purposes specified in said petition.

Jury to view premises.

SECTION 3. Upon presentation of such application, and upon the proof of the publication or service of the notice hereinbefore required, the said judge or court commissioner shall thereupon appoint twelve reputable freeholders, residents of said city, but not residents of the ward in which said premises may be, nor interested in the result of such application. The said judge or court commissioner shall thereupon issue his precept, directed to said jurors, requiring them within ten days to view the premises to be specified in said precept, and to make returns under

their hands to the common council, whether in their judgment, it is necessary to take said premises for the purposes specified in such application, and the said jurors, before entering upon the discharge of their duties, shall take and subscribe an oath faithfully and impartially to discharge their duties as such jurors in the premises, which oath may be administered by any person authorized to administer oaths, which shall be filed in the office of the city clerk.

Precept to be served on jurors.

SECTION 4. The chief of police shall serve the precept immediately on the jurors therein named, reading the same to every one of them that can be found; and immediately after such service he shall return the said precept to the judge or court commissioner who issued the same, together with his doings thereon.

When jurors disqualified.

SECTION 5. If any of the jurors so appointed cannot be found or shall be disqualified from acting, or shall refuse to act, the judge or court commissioner shall appoint others, in their places, and a memorandum of such substitution shall be endorsed on the precept.

Jurors to take oath.

SECTION 6. The said judge or court commissioner or any justice of the peace shall thereupon administer an oath to said jurors, that they are freeholders of said city, and not interested in the premises proposed to be taken, and that they will faithfully and impartially discharge the trust reposed in them.

Jurors to hear testimony and make report.

SECTION 7. The said jurors shall, at such times as they may agree upon, proceed in a body to view the premises in question, and shall hear such testimony as may be offered by any party interested, which testimony shall be reduced to writing by one of the jurors; and either of the jurors shall be authorized to administer the necessary oaths to the witnesses. After viewing the premises in question, and hearing such testimony as may be offered, the jurors shall make a report of their proceedings, which shall be signed by them respectively, and which shall state whether, in their judgment, it is necessary to take the premises in question for public use, which said report, testimony and precept shall be returned to the common council within the time limited in said precept. Should the jurors report that it is necessary to take the premises, the common council shall enter an order among its proceedings confirming said report, and directing the same jurors, within twenty days thereafter, or such future time as shall be necessary, to again view the premises for the pur-

pose of ascertaining and determining the amount of the damages to be paid to the owner or owners of said property to be taken, and also what lands or premises will be benefitted by such taking, and to make report of their assessment of such damages and benefits to the common council. After the jurors shall have made their report as to the necessity of taking of any lands or premises under this act, and the same shall have been confirmed, the common council shall have power to appoint new jurors in the place of any who shall neglect or refuse to serve in ascertaining the amount of damages and benefits as above; and all the jurors, before entering upon the discharge of their duties in the premises, shall severally take an oath before some competent officer, that they are freeholders of said city and are not interested in the premises to be taken, and that they will faithfully and impartially discharge the trust reposed in them.

Aldermen to view premises and report to whom cost shall be assessed.

SECTION 8. Whenever it shall have been determined by the report of the jury that it is necessary to take certain lands for public use for the purpose of laying out public squares, grounds, streets or alleys, or of enlarging or widening the same, and such report, or any part thereof, shall have been confirmed by the common council, the said council shall direct the aldermen of the ward in which lands so to be taken are situated, to view the premises and to determine whether the whole cost thereof should be chargeable as benefits to the lots and lands subject to special assessment therefor, or whether any and what portion of such cost should be chargable to and paid by the city, and if said aldermen shall determine that any proportion of such cost should be paid by the city, they shall so report in writing to the common council, stating in their report what proportion should be so paid, and thereupon the common council shall have power by resolution duly passed by two-thirds of the aldermen elected, to order the proportion of such cost so reported by the aldermen, or any greater or less proportion thereof to be chargeable to and payable by said city, which shall accordingly be done; and thereafter the lots or lands benefitted shall not be assessed for more than the remaining proportion of such cost.

Jurors to appraise value of land to be taken.

SECTION 9. The jurors directed to ascertain the damages and benefits as provided by section seven, shall, within the time limited by the common council,

view and examine the premises proposed to be taken, and all such other premises as will in their judgment be injured or benefitted thereby, and after hearing such testimony as they may obtain, or as may be offered by any party interested, which testimony shall be reduced to writing by one of said jurors, they shall proceed to make their assessment, and to determine and appraise the value of the real estate so proposed to be taken, and the injury arising to the owners thereof, respectively, in consequence of the taking thereof, which shall be awarded to such owners respectively as damages, after making due allowance therefrom for any benefit which such owners may respectively derive from such improvements; said jury shall report their proceedings to the common council.

To ascertain difference to be paid to or received by owner.

SECTION 10. If the damage to any person be greater than the benefits received, or if the benefits be greater than the damages, in either case the jury shall strike a balance and carry the difference forward to another column, so that the assessment will show what amount is to be received or paid by such owner or owners respectively, and the difference only shall, in any case, be collected of them or payable to them.

Board of assessment to apportion and assess damages.

SECTION 11. Upon the report of the jury as provided by section nine of this chapter and the confirmation of such report by the common council, the same shall be referred to the mayor, assessor and city clerk, as a board of assessment and equalization, who shall thereupon, within the time to be limited by the council, apportion and assess the damages as ascertained by said jury, and the expenses of the proposed improvement, or such proportion thereof as shall have been determined to be chargeable to the lots and lands benefitted in accordance with the provisions of section eight of this chapter, upon the real estate deemed benefitted by said jury, in proportion to the benefits resulting thereto from the proposed improvement, as nearly as may be, and shall describe the real estate upon which their assessments may be made.

Notice of assessments to be given.

SECTION 12. When the said board of assessment shall have completed said apportionment and assessment of said damages and expenses, and before the same shall be reported to the common council, it shall give public notice of not less than one week in the official paper of the city, that such assessment has been made, and that the same will be open for review

and correction by said board at the chamber of the common council, for not less than ten days after the first publication of such notice, during certain hours, and not less than two hours of each day, and that all persons will be heard by the said board in objection to such assessments, and generally in matter of such review and correction. It shall be sufficient to state in such notice in brief, what such assessment has been made for, and in what locality.

Objections to assessments to be heard by board.

SECTION 13. During the time specified in the notice mentioned in the last preceding section, it shall be the duty of the board to hear all persons interested in the property assessed, or otherwise personally interested in such assessment, in making objections to any part of such assessment, and to hear all evidence which may be produced in support of such objections; and the board shall thereupon have power to review, modify and correct such assessments in such manner as they shall deem just, at any time during such review and for three days thereafter; and thereupon it shall be the duty of the said board to make report of such assessment in writing, signed by them, together with the testimony taken, to the common council within the time limited by said council. Should the time originally limited for making such report prove insufficient, the common council may, in their discretion, from time to time enlarge or extent the same.

Assessment to be laid before council.

SECTION 14. The assessment so reported shall be laid before the common council when in session, and the fact of its presentation shall be entered upon the journal and mentioned in the published proceedings of such session, with a statement in brief for what purpose and in what locality such assessment has been made; but the common council shall not have the power to act finally upon such report until at least one week from the date of the session at which it was so presented. At or after the expiration of such period of one week last mentioned, the common council may, in their discretion, revise and correct the assessment, and shall confirm the same as corrected by them or without correction, or refer it back to said board for revision and correction. If said assessment shall be so referred back, the said board shall proceed to review, correct and report the same in like manner and upon like notice as herein required in relation to the first assessment; and all parties interested shall have the like rights, and the said board and the common council respectively shall per-

May be referred back.

form like duties and have like powers in relation to any such subsequent assessment as are hereby given in relation to the first.

Owners of property may appeal to circuit court—mode of procedure.

SECTION 15. Any person or persons owning or having any interest in any property affected by such assessment, may, within twenty days after the confirmation of such assessment by the common council, appeal therefrom to the circuit court of Brown county, by filing with the city clerk his notice of appeal, setting forth therein his interest in the premises and the grounds of his appeal, together with a bond to the city of Green Bay, in the penal sum of five hundred dollars, conditioned for the payment of all costs that shall be adjudged against him on account of such appeal; which bond shall be signed by at least two sufficient sureties, each of whom shall make affidavit, endorsed upon such bond, that he is worth five hundred dollars over and above all his debts, in property not exempt from execution. In case of any appeal under the provisions of this section, the city clerk shall send to the clerk of said circuit court a certified copy of the assessment of damages and benefits made and reported by said board as confirmed by the common council, and of all the proceedings of the common council in relation thereto. The appeal shall be tried as ordinary issues of fact are tried in said circuit court; the form of the issue shall be subject to the direction of the court; and the court shall permit any person or persons interested in such damages or benefits to become parties to such appeal upon their petition, setting forth the nature and extent of such interest. If on such trial the benefits assessed by said board shall be diminished, or the damages so assessed shall be increased, then, and in either case, the appallant shall recover costs on such appeal, otherwise the city shall recover costs. When the jury shall by their verdict award damages to the owner of any lot or part of a lot, and judgment shall have been rendered upon such verdict, the said city shall pay the amount of such judgment, and the cost, if any, recovered therewith, or make provision for the payment thereof within one year after the same shall have been rendered; *provided*, that in case of an appeal from such judgment to the supreme court, the time of the pendency of such appeal shall not form any part of such year.

Appeal to be only remedy.

SECTION 16. An appeal to the circuit court, as provided in and by the foregoing section, shall be the

only remedy for damages sustained by the acts or proceedings of the said city or its officers, in the matter of [which] such assessment relates; and no action at law or in equity shall be had or maintained for or on account of such acts and proceedings.

When city may take possession of property.

SECTION 17. Only when the damages awarded to the owner by the report of the said board, as confirmed by the common council, for any property condemned by said city for public use, shall have been paid or tendered to such owner or his agent, or when sufficient money for that purpose shall be provided in the hands of the city treasurer, and ready to be paid over to such owner, and ten days' notice thereof shall have been given by the common council in the official papers, can the city enter upon and appropriate such property to the use for which the same was condemned; and the same shall thereafter be subject to all the laws and ordinances of the city to the same extent as streets, alleys and public grounds heretofore opened or laid out. The damages assessed by the said board or awarded by the verdict of the jury and judgment rendered thereon, in case of appeal, shall be paid or tendered, or provided in the hands of the city treasurer, and ready to be paid over to the person or persons entitled thereto, and notice thereof given in the official papers as herein provided within six months after the rendering of such judgment, or after the confirmation of such assessment by the common council, in case no appeal shall have been taken; and if not so paid or tendered, or provided in the hands of the city treasurer, all the proceedings in any such case shall be void; *provided*, that such period of six months shall be exclusive of the time any such judgment may be pending in the supreme court on appeal. The benefits assessed and reported by the board from the confirmation of such report by the common council, shall be and remain a lien upon the premises so determined by said board to be benefited by the taking and appropriation of lands to the public use as proposed.

Damages to be paid or rendered.

Proviso.

When building is upon land to be taken.

SECTION 18. If there should be any building in whole or in part upon the land to be taken, the jurors before proceeding to make their assessment, shall first estimate and determine the value of such building to the owner, aside from the value of the land, and the injury to him in having such building taken from him; and secondly, the value of such building to him to remove.

SECTION 19. At least ten days personal notice of such determination shall be given to the owner or his agent, if known, and a resident of the city, or left at his usual place of abode. If not known or a non-resident, notice to all parties interested shall be given by publication in the official paper or papers of said city three successive weeks; such notice shall specify the building and the award of the jurors. It shall also require the parties interested to appear by a day therein named, or give notice of their election to the common council, either to accept the award of the jurors and allow such building to be taken with the land appropriated, or of their intention to remove such building. He shall have such time for this purpose as the common council may allow.

Notice of determination of jurors to be given.

Parties interested to appear

SECTION 20. If the owner shall refuse to take the building at the value to remove, or fail to give notice of his election aforesaid within the time prescribed, the common council shall have power to direct the sale of such building at public auction for cash, giving ten days notice of such sale. The proceeds shall be paid to the owner, or deposited to his use.

When owner shall refuse to move building.

SECTION 21. If the lands or buildings belong to different persons, or if the land be subject to lease, judgment or mortgage, or if there be any estate in it less than an estate in fee, the injury or benefits done to such persons or interests respectively, shall be awarded them by the jurors.

When lands belong to different persons.

SECTION 22. When the whole of any lot or tract of land, or other premises, under lease or other contract, shall be taken by virtue of this act, all the covenants, contracts or engagements between landlord and tenant or any other contracting parties, touching the same or any part thereof, shall upon the confirmation of such report, respectively cease and be absolutely discharged. When only part of a lot or tract of land or other premises so under lease or other contract shall be taken for any of the purposes aforesaid, all the covenants, contracts or agreements respecting the same, upon the confirmation of such report, shall be absolutely discharged as to the part thereof taken, but shall remain valid as to the residue thereof, and the rents, considerations and payments reserved, payable and to be paid for or in respect to the same, shall be proportioned so that the part thereof justly and equitably payable for such residue thereof, and no more, shall be paid or recoverable for or in respect to the same.

Contracts, leases, etc., to be void.

When owner of land is an infant.

SECTION 23 When any known owner of lands or tenaments affected by any proceedings under this act shall be an infant, or labor under legal disability, the judge of the circuit court of Brown county, or, in his absence, the judge of any court of record in said county, may upon the application of the common council, or such party or his next friend, appoint a guardian for such party, and all notices required by this act shall be served upon such guardian.

Survey of streets to be made.

SECTION 24. Whenever any public grounds, street or alley shall be laid out, widened or enlarged under the provisions of this chapter, the common council shall cause an accurate survey and profile thereof to be made and filed in the office of the city clerk.

Acts of council in laying out street confirmed.

SECTION 25. All the proceedings of the common council heretofore had in laying out streets and alleys are hereby confirmed; and all the streets and alleys heretofore laid out and opened by the common council, except such as have been legally vacated, are hereby declared public highways.

Provisions of this chapter not to be invalidated by informality.

SECTION 26. All the foregoing directions given in this chapter shall be deemed directory, and no irregularity or informality in any of the proceedings under the provisions of this chapter not affecting substantial justice shall in any way affect the validity of the proceedings.

Power of council to vacate streets, etc.

SECTION 27. The common council shall have power and are hereby authorized to vacate in whole or in part such highways, streets, alleys and public walks within the corporate limits of the city, as in their opinion the public interest may require to be vacated, or such as in their opinion are of no public utility: *provided, however*, the necessity of vacating any such highways, streets, alleys or public walk or any part thereof shall first be established by a verdict or report of a jury in a like manner as is provided for laying out public squares, grounds and streets in this chapter.

Lands subdivided into lots and blocks shall be platted so that streets and alleys shall correspond with those already platted, and plat submitted to council for approval.

SECTION 28. In all cases when land in the city shall hereafter be subdivided into lots and blocks, or when streets, alleys or public grounds shall be donated or granted to the public, the owner or owners thereof shall, in platting the same, cause the streets and alleys in such plat to correspond in width and general direction with the streets and alleys through the lots and blocks in said city adjacent to the lot or tract platted, and shall submit such maps or plats thereof to the common council for approval; and if said

map or plat shall be approved by the common council it shall be lawful for the party or parties making such map or plat to record the same and the evidence of such approval, in the manner prescribed by the laws of the state concerning town plats. But except such plat shall be approved by resolution adopted by said common council, a copy of which duly certified by the city clerk, and affixed to said map or plat, it shall not be lawful for the register of deeds of Brown county to receive such map or plat for record, or to record the same, and the same shall have no validity. All persons neglecting or refusing to comply with the requirements of this section shall forfeit and pay a sum not less than fifty dollars nor more than five hundred dollars; and the register of deeds who shall record such map or plat without such copy of the resolution of the common council approving the same, attached thereto as aforesaid, shall forfeit and pay a sum not less than ten dollars nor more than one hundred dollars. All forfeitures and liabilities which may be incurred and arise under and by virtue of this section shall be prosecuted for and recovered in the name of the city of Green Bay, and paid into the city treasury for the use and benefit of the city.

Penalty for violation.

CHAPTER VI.

CITY IMPROVEMENTS AND SPECIAL ASSESSMENTS.

SECTION 1. Sidewalks shall be constructed, reconstructed and repaired upon the proper established grade, of such width, in such manner, of such material, and in such time as the common council, by ordinance, resolution or order shall direct, by and at the expense of the owners of any lot or piece of ground in front of which such sidewalk shall be ordered. If such side walks shall not be constructed in the manner and within the time prescribed, the common council may cause the same to be done at the expense of the lot or lots adjoining such sidewalk; but no sidewalk shall be ordered to be constructed unless upon petition of a majority of the resident owners of lots or lands adjacent to such sidewalk, and a two-thirds vote of the aldermen elect. The contract for the construction of any such sidewalk shall be let to the lowest bidder, and notice shall be given by publication in the official paper of the city for at least two weeks, of the time, place and manner of receiv-

Construction of sidewalks.

Contract to be let to lowest bidder.

ing such bids; *provided*, that no such contract shall be let until thirty days after notice shall have been given to such owner or owners, of the ordinance, resolution or order requiring the construction of such sidewalk, by publication of the same at least two weeks in the official paper of the city.

Expense chargeable to lot owners.

SECTION 2. Opening, grading, working, graveling, planking or paving streets and alleys, to the center thereof, shall be chargeable to and payable by the lots fronting on such street or alley; but no street or alley shall be opened, graded, graveled planked or paved unless upon the petition of a majority of the resident property holders interested therein, and by a two-thirds vote of the aldermen elect. The cost and expense of surveying streets, alleys, sewers or gutters and of cleaning out gutters or sewers, and of estimating work thereon in the execution of any public improvement, shall be chargeable to and payable by the city. Gutters or sewers may be ordered by the common council, and built at the expense of the lots or parts of lots benefitted thereby, and fronting upon or abutting to the street along which said gutter shall be constructed; *provided*, that in all cases where improvements or work of any kind are charged by virtue of this section upon lots benefitted, all such improvements across streets, alleys and public grounds shall be made and paid for out of the general fund of the city.

Work to be done only upon petition.

Expense chargeable to city.

Guttters and sewers may be ordered by council.

Estimate of expense of improvement to be made and proportion assessed to each lot.

SECTION 3. Whenever the common council shall determine to make any public improvement as authorized by this chapter, they shall cause to be made an estimate of the whole expense thereof, and of the proportion to be assessed and charged to each lot, and in case of grading streets, alleys or sidewalks, of the number of cubic yards to be filed in or excavated in front of each lot; and such estimate shall be filed with the city clerk for the inspection of all parties interested. The common council shall give notice by advertisement for ten days in the official paper of the city, to the owners or occupants of the lots or parcels of land fronting on any street, alley, or sidewalk ordered to be opened, graded, graveled, planked, paved, or sewer to be constructed, requiring them to do the work mentioned in such notice within reasonable time therein to be specified, and not less than thirty days, and if the said work shall not be done within such time, the council shall enter into contract for the do-

Notice to be given to lot owners.

ing thereof. Such contract shall be let to the lowest bidder.

SECTION 4. The common council shall give notice to all owners or occupants of lots, which may be deemed injurious to health by reason of stagnant water remaining thereon or other cause, if residents, personally, if non-residents, in the official paper of the city for ten days, to abate such nuisance by draining or filling such lots within a reasonable time therein to be specified; and if such nuisance shall not be abated or removed within the time specified, the council shall cause the same to be abated or removed at the expense of the property upon which the same may exist.

Lots to be drained upon notice being given.

SECTION 5. All work provided in this chapter shall be done under the supervision of the superintendent of streets, unless the common council shall otherwise direct, and shall be approved in writing by the mayor, street superintendent and city surveyor before it shall be accepted by the council. The street superintendent is authorized and empowered, and it shall be a part of his duties, to contract with the lowest bidder for all material which the city may use in carrying out the provisions of this chapter.

Work to be done under supervision of street superintendent and approved by mayor and other officers.

Street superintendent to contract for material.

SECTION 6. Whenever any work has been done under contract, as provided in this act, and the work shall have been approved in writing by the mayor, street commissioner and city surveyor, and accepted by the common council, such contractor shall be entitled to a certificate therefor, which shall be signed by the mayor, street superintendent and city surveyor, and countersigned by the city clerk, and shall state the amount of work done by such contractor, the nature thereof, and the description of the lot or parcel of land upon which the same is chargeable; said certificate may be transferred by indorsement therein; and if the amount thereof is not paid before the time of making out the annual assessment roll, such certificate may be filed with the city clerk, and the common council shall order the amount thereof to be assessed upon the said lots of land respectively, as a special tax, and to be collected therefrom for the benefit of the holder of said certificate, as other taxes on real estate are collected under this act. If notice to do the work required shall have been given as herein prescribed, no informality or error in the proceedings shall invalidate or vitiate such assessment; *provided*, that in no event when

When certificate of work done shall be given.

When amount not paid to be levied against lot.

Proviso.

work is ordered to be done at the expense of any lot or parcel of land, shall the city be held responsible for, or on account thereof, as for any proceedings for the collection or the pay therefor.

Cleansing and repair of sidewalks and alleys.

SECTION 7. The common council may require by such general regulations as they may choose to adopt the owners or occupants of lots to cleanse and repair the sidewalks, streets and alleys. If such owners or occupants shall fail to comply with such regulations, after receiving reasonable notice from the street superintendent, the superintendent may employ any person or persons to do such work, and pay therefor in certificates, as provided by section six of this chapter.

CHAPTER VII.

PUBLIC SCHOOLS.

School commissioners—terms and how elected.

SECTION 1. The mayor and council of the city of Green Bay shall, at their first regular meeting after this charter shall go into effect, elect as school commissioner one person from each ward of said city who shall hold his office for two years from the first Monday of July, 1875, and annually thereafter the said mayor and council shall at their first regular meeting in May elect one school commissioner from each ward who shall hold his office for two years, and each alternate year after 1875, one school commissioner from the city at large who shall hold his office for two years. The terms of office of school commissioners elected under this act shall commence on the first Monday of July of the year in which they were elected:

Proviso.

provided, that all members of the school board now in office shall hold their respective offices for the full term for which they were elected, and until their successors are elected and qualified.

Board of education.

SECTION 2. The school commissioners elected under the provisions of this chapter shall form the "board of education of the city of Green Bay," and a majority of said board shall form a quorum for the transaction of business. It shall be the duty of the mayor and council to supply by appointment any vacancy which may occur from time to time in the number of said school commissioners, by resignation or otherwise.

City superintendent of schools.

SECTION 3. The school commissioners shall at their first regular meeting in each year, or within fifteen days thereafter, elect some suitable person having

the necessary qualifications, as city superintendent of schools, whose term of office shall commence on the first Monday of July of the year in which he is elected, and who shall hold his office for one year and until his successor shall be elected and qualified, unless sooner removed by a two-thirds vote of the council, or by a two-thirds vote of all the members elect of the board of education, for misconduct or other sufficient cause.

President of board of education—his duties.

SECTION 4. The board of education shall, at its first regular meeting in each year, elect one of its members president, who shall preside at all meetings of the board, and preserve order and decorum thereat, and decide all questions of order, subject to appeal to the board. He shall countersign all orders drawn by the secretary for the payment of teacher's and janitor's wages and all other incidental and necessary expenses of said board of education. He shall declare all votes taken on questions coming before the board; *provided*, that on all questions requiring appropriation of money or the adoption of new text-books, the vote shall be taken by ayes and noes, and on any other question the ayes and noes shall be called when any member shall request it; *provided further*, that in the absence of the president, the board shall elect a president *pro tempore*.

Proviso.

Meetings of board of education.

SECTION 5. The board of education shall have at least one regular meeting in each month at such time and place as may be designated by them, and they may have special meetings at such other times as they may deem necessary, or when called together by the president; but no special meeting shall be legal unless each member of the board shall have first been served with notice in writing of the time and place of said meeting.

Salary of city superintendent

SECTION 6. The city superintendent of schools shall receive an annual salary of not less than two hundred and fifty dollars, to be paid quarter-yearly, the amount of which shall be determined from year to year by the board of education, which salary shall be payable out of the school fund.

Duties of board of education.

SECTION 7. The duties of the board of education shall be as follows:

To elect city superintendent

1st. To elect at their regular meeting in July, a city superintendent of schools; but if such election shall not then be had the said superintendent shall be elected at some regular meeting thereof thereafter.

To decide as to number of teachers, grade of school, salaries, etc.

2d. To decide upon the number of teachers to be employed, the grade of school to be kept by each, and the amount of salary to be paid to each, and to hire and make contracts with the teachers; and before any teacher shall enter upon his or her duties as such, he or she shall enter into a written contract, which contract shall be signed by such teacher and by the board of education, or by some member thereof designated for that purpose by resolution of said board. Such contract shall be made in duplicate, and one copy thereof filed with the clerk, and the other delivered to such teacher.

To arrange terms and adopt text books.

3d. To arrange and determine terms and vacations in all public schools; to establish uniformity in the school system, and to require and secure uniformity of text-books, and to adopt or reject text-books at will.

To establish rules.

4th. To establish rules and regulations for the schools, not in conflict with the constitution or laws of this state; but the mayor and council may, in their discretion, do away with, annul or abrogate any such rule or regulation by a two-thirds vote of the whole number of aldermen of the city.

To make contracts.

5th. To make contracts for all fuel, stationery and articles of furniture required for the schools; to make all necessary repairs on school houses, not exceeding one hundred dollars in value for any one school house; to make contracts for all incidentals required for carrying on the school-houses, such as lighting fires, sweeping school-rooms, et cetera, and such contracts, when executed, shall be paid by orders drawn on the city treasurer, payable out of the school fund, which orders shall be signed by the president of the board of education, and countersigned by the clerk of said board.

To audit claims, and submit annual statement of expenses.

6th. To audit all claims and demands payable out of the school fund. The said board shall annually, on or before the first day of November in each year, submit a statement to the mayor and common council, showing the amount of teachers' wages that have accrued and become due during the year, and the amounts of all other indebtedness, accruing on contract or otherwise, that has been made by order of the board; and for that purpose they shall cause entries to be made in a book or books, to be provided by the city, of all contracts made with the teachers, and the amount of salary to be paid, and of all other expenditures made or authorized by said board at the

time the same shall be made or authorized, which book or books shall be subject to inspection in the same manner as the records of the proceedings of said board; and they shall, at the same time, submit for the consideration of the common council a statement of the estimates required for carrying on the schools for the ensuing year, specifying the amount required for teachers' wages, and other items separately and specifically. Nothing in this section contained shall prevent the mayor and council from taking into consideration the amount to be received from the state from the income of the school fund, and the amount to be received from the county school tax during the ensuing year.

To make estimates of expenses.

SECTION 8. Whenever repairs to a larger amount than one hundred dollars shall, in the opinion of the board, be required for any one school-house, they shall cause a statement to be made, showing the repairs required and an estimate of the cost thereof, to be laid before the mayor and council, and whenever in their opinion another school-house or school-houses shall be required, they shall cause estimates of the cost of a site for such house or houses, and a plan of the proposed building or buildings, together with the estimates of the cost of the same to be made, and shall submit the same for the consideration of the mayor and council, who shall forthwith take measures to raise a tax to defray the cost of such repairs, or the erection of such building or buildings, and the purchase of a site or sites, unless there shall be a two-thirds vote of the whole number of aldermen of the city against the same, in which case such proposed repairs shall not be made, nor shall such site or sites be purchased, or building or buildings be erected; and it shall be the duty of said board in the name of said city to enter into contract for making such repairs, or for the erection of such building, or for the purchase of such sites, whenever it shall be made to appear that the necessary tax for the same has been levied or authorized by the mayor and council.

When repairs to larger amount than $100 to be made.

When additional school house is needed

SECTION 9. It shall be the duty of the president and secretary of the board of education to draw orders on the treasury, payable out of the school fund, for teachers' and janitors' wages, and all other expenditures authorized by this act.

How orders to be drawn.

SECTION 10. No member of the board of education shall have any interest, direct or indirect, in any contract made by said board, and every contract so

No member of board to be interested in contract.

made in which any member of said board shall have such interest, shall be absolutely void.

Duties of superintendent.

SECTION 11. The duties of the city superintendent shall be as follows:

To examine teachers.

1st. To examine all the applicants for teachers' licenses in the branches taught in the public schools of said city, and, if approved, give them certificates authorizing them to teach in the city.

To annul certificates.

2d. To annul a teacher's certificate for cause; *provided*, that such teacher shall have the right of appeal to the board of education.

To visit schools

3d. To visit each school department of said city at least once in each week.

To report text books.

4th. To report for the consideration of the board of education such text books as he may think advisable and proper for the use of the schools, and to report such alterations therein, from time to time, as he may think most beneficial for the schools in said city.

To report condition of schools.

5th. To report to the board of education at each regular meeting relative to the condition of the schools under his supervision, and particularly as to the average attendance at each school since the previous regular meeting; to make such recommendations as shall in his judgment conduce to their welfare, and to perform such other duties as may be required of him by the board.

To report number of children.

6th. He shall, between the first and tenth days of September, in each year, make a statement of the number of children, male and female, designated separately, over the age of four and under the age of twenty years, residing in the city on the last day of August previous to the day of such report; and shall, on or before the tenth day of October in each year, make and transmit to the county superintendent a report containing the facts set forth in section 43 of the general laws, a copy of which report he shall present to the board of education at their first meeting thereafter.

To report to county superintendent.

To act as secretary of board of education.

7th. He shall attend at the meetings of the board of education and act as secretary thereof, and there make any suggestions he may think advisable relative to the government of the schools in said city.

CHAPTER VIII.

FIRE DEPARTMENT.

Power of council to prescribe

SECTION 1. The common council, for the purpose of

guarding against the calamities of fire, shall have the power to prescribe the limits within which wooden buildings or buildings of other materials that shall not be considered fire proof, shall not be erected, placed or repaired and to direct that all and every building within the limits prescribed shall be made and constructed of fire proof materials, and to prohibit the repairing or rebuilding of wooden buildings within the fire limits, where the same shall have been damaged to the extent of fifty per cent. of the value thereof, and to prescribe the manner of ascertaining such damages, and to prescribe penalties for the violation of any resolution or ordinance passed under this section.

fire limits and regulate erection and repair of buildings.

SECTION 2. The common council shall have power to prevent the dangerous construction and condition of chimneys, fire-places, hearths, stoves, stove pipes, ovens, boilers and apparatus used in and about any building and to cause the same to be removed or placed in a safe and secure condition, when considered dangerous; to prevent the deposit of ashes in unsafe places; to require the inhabitants to provide as many fire buckets and in such manner and time as they shall prescribe, and to regulate the use of them in time of fire; to regulate and prevent the carrying on of manufactures, dangerous in causing or promoting fire; to regulate and prevent the use of fire-works and fire-arms; to compel the owners and occupants of buildings to have scuttles in the roof, and stairs or ladders leading to the same; to authorize the mayor, aldermen, fire wardens and other officers of the city to keep away from the vicinity of a fire all idle and suspected persons, and to compel all by-standers to aid in the extinguishment of fires and in the preservation of property exposed to danger thereat, and generally to establish such regulations for the prevention and extinguishment of fires as the common council may deem expedient, and to provide penalties for the violation of any resolution or ordinance passed under this section.

To make regulations for prevention and extinguishment of fires.

SECTION 3. The common council shall have full power to purchase fire engines, hose, and all other necessary fire apparatus, and to authorize the formation of fire engine, hook and ladder and hose companies, and to provide for the due and proper support and regulation of the same, and to order such companies to be disbanded, and their meetings to be prohibited and their apparatus to be delivered up. Each

Purchase of fire-engines, hose, etc., and organization of fire companies.

company shall not exceed seventy able bodied men, between the ages of eighteen and fifty years, and may elect their own officers and form their own by-laws, not inconsistent with the laws of this state or the ordinances or regulations of said city, and shall be formed only by voluntary enlistments. Every member of said company hereby authorized to be formed, shall be exempt from highway work and poll tax, and from serving on juries and from military duty, except in case of war, insurrection or invasion, during the continuance of such membership: and any person having served for the term of ten years in either of such companies, shall be forever thereafter exempt from poll tax, and military and jury duty, except as in cases before mentioned.

Exemptions of firemen.

Meetings of fire companies, and election of officers.

SECTION 4. There shall be a meeting of the members of said companies on the third Monday of April in each year, at such place as may be designated by the chief engineer, when they may nominate and recommend to the common council for appointment one chief engineer, and one assistant engineer, and one treasurer, and the common council shall thereupon confirm or reject said nominations; and the persons so appointed shall perform such duties as the common council shall prescribe. In case the common council should reject such nominees, the said members shall, at a meeting held a week after such rejection, nominate other persons to hold such offices, which nominations shall also be subject to the approval of said council.

Fire wardens—powers and duties.

SECTION. 5. The mayor shall appoint two fire wardens for each ward; subject to confirmation by the common council, who shall perform such duties as the common council may prescribe, and they may at any time enter into any building, house, store, barn or inclosure for the purpose of inspecting the same.

One-half of fines and penalties to be paid to fire-department.

SECTION 6. One-half of the net proceeds of all fines and penalties recovered and collected for breach of any ordinance, by-law or regulation made in pursuance of this chapter, shall be paid by the city treasurer to the fire department.

Penalty for refusal to obey officers at fires.

SECTION 7. When any person shall refuse to obey the lawful order of any engineer, fire warden or alderman of the city, the mayor or chief of police at any fire, it shall be lawful for the officer giving such order to arrest or direct orally the chief of police, constable or watchman, or any citizen to arrest such person, and to confine him temporarily in any safe

place, until such fire shall be extinguished; and in the manner such officers, or any of them, may arrest or direct the arrest and confinement of any person at such fire who shall be intoxicated or disorderly; and any person who shall refuse to arrest or aid in arresting any person so refusing shall be liable to such penalty as the common council may prescribe, not exceeding twenty dollars.

Sack company—to act as special police.

SECTION 8. The common council shall have power to organize a sack company, or to countenance any such company now organized, which shall be known by such name as they may select, and shall consist of not more than thirty members. Such company shall constitute a part of the fire department, and at fires shall be subject to the control of the engineers. The members of said company, either collectively or individually, are hereby authorized and empowered to act as a special police in and for the city of Green Bay, and are hereby vested with all the power and authority which now is, or may hereafter be vested in any police officer of said city, and shall be entitled to all the rights and immunities of members of the fire department, except exemption from jury duty. At fires they shall take charge of all property which may be exposed or endangered, and shall, as far as it may be in their power, preserve the same from injury or destruction. Such company may from time to time adopt such by-laws as they may deem necessary, not inconsistent with the laws of this state or the ordinance of said city. The members thereof shall not be entitled to any compensation for any services rendered in their official capacity. They shall, in case of riot, or other disturbances of the peace, have access to all licensed places of amusement in the city, and shall perform such services as may be for the peace and good order of the same.

To take charge of property.

Treasurer of fire department—shall give bond.

SECTION 9. The treasurer of the fire department shall receive and pay out all moneys belonging to said department, and shall secure the faithful performance of his duty by his bond to said city, in such penal sum as shall be required, and with sureties to be approved by the common council. Such moneys shall only be paid out on orders signed by the chief engineer or acting chief engineer, and countersigned by the clerk of said department.

Secretary to furnish list of members.

SECTION 10. There shall be elected by members of such company aforesaid, annually, at their annual meetings, a clerk or secretary, who shall, on or before

the first Monday of May in each year, return to the city clerk a list containing the name of each member of their respective companies; and when any member of either of said companies shall cease to be a member thereof, by resignation, expulsion or otherwise, notice thereof shall be given to the city clerk.

City clerk to keep record of members of fire companies.

SECTION 11. The city clerk is hereby required to keep a record of the members of the several companies organized under this chapter, and such record shall consist of the returns made by the several clerks or secretaries, as above prescribed; and no person shall be exempt from jury duty, unless the name is entered on such list. In case any member shall, for any cause, cease to be a member of either of said companies, the clerk shall note that fact on the list thereof, and shall return to the clerk of the board of supervisors for the county of Brown, a list of all persons who are members of either or all of said companies exempt from jury duty, on or before the day now appointed, or which may hereafter be appointed for the annual meeting for the said board, and said board shall not place the names of any such persons on the jury list for the ensuing year.

CHAPTER IX.

AUDITING ACTS, [ACCOUNTS] ETC.

Power of council to audit accounts.

SECTION 1. The common council shall have power to audit, adjust and allow all claims and demands of every nature against the city, except such claims or demands as are payable out of the school fund.

No action to be commenced until after claim has been presented to council.

SECTION 2. No action shall hereafter be maintained by any person against the city of Green Bay, upon any claim or demand mentioned in the preceding section, other than a city bond or order, unless such person shall first have presented such claim or demand to the common council of said city. The determination of the common council disallowing in whole or in part any such claim or demand, shall be final and conclusive, and a perpetual bar to any action in any court, founded on such claim or demand, unless an appeal shall be taken from the decision and determination of such common council, as hereinafter provided, or unless such council shall consent and agree to the institution and maintenance of an action by such claimant against the city; *provided, however*, that when the common council shall refuse or

Appeal may be taken.

neglect to act upon any such claim or demand duly presented to them, this chapter shall not be so construed as to prevent the institution and maintenance of an action by said claimant against said city.

Notice of appeal to be given to city clerk 30 days, and bond executed.

SECTION 3. When the claim or demand of any person against the city shall be disallowed, in whole or in part, by the common council, such person may appeal from the decision of such council to the circuit or county court for the county of Brown, by causing a written notice of such appeal to be served on the clerk of said city within thirty days after the making of such decision, and executing a bond to said city, with sufficient surety, to be approved by said clerk, a county judge, or court commissioner, conditioned for the faithful prosecution of such appeal, and the payment of all costs that shall be adjudged against the appellant by the court.

Duties of city clerk and city attorney in cases of appeal.

SECTION 4. The city clerk, upon such appeal being taken, shall immediately give notice thereof to the city attorney, or shall take such measures as by ordinance or resolution of said common council he may be required to do, and shall make out a brief return of the proceedings in the case before said council, with their decision thereon, and shall file the same, together with the bond and all papers in the case in his possession, with the clerk of the circuit or county court for the county of Brown, and such appeal shall be entered, tried and determined in the same manner as actions originally brought in said courts, and costs shall therein be awarded in like manner. *Provided, however*, that whenever an appeal is taken from the allowance made by said common council upon any claim, and the recovery upon such appeal shall not exceed the amount allowed by said council, exclusive of interest upon such allowance, the appellant shall pay the cost which shall be deducted from the amount of the recovery, and when the amount of costs exceeds the sum recovered, judgment shall be rendered against the appellant for the amount of such excess.

Appellant to pay costs in certain cases.

All claims to be verified.

SECTION 5. No claim or demand whatever shall be allowed by the common council, unless the same is verified by the owner thereof, or some person in his behalf.

CHAPTER X.

FINANCE AND TAXATION.

City funds to be under control of council—how drawn.

SECTION 1. All funds in the treasury, except school, state and county funds, shall be under the control of the common council, and shall be drawn out upon the order of the mayor and clerk, duly authorized by a vote of the common council; and all orders drawn upon the treasurer shall specify the purpose for which they were drawn, and shall be payable generally out of any funds in the treasury belonging to the city.

City orders receivable for taxes.

City orders shall be receivable for all city taxes, except school and special taxes for bridges and school purposes, and except taxes levied for the payment of principal or interest of any outstanding bonds of said city, which shall be collected in money or in orders drawn upon such funds respectively.

Proviso.

Provided, that the amounts or proceeds of all orders which shall be received in payment of taxes, shall be credited to the several and respective funds on account of which such orders were issued. All orders shall be payable to the order of the person in whose favor they may be drawn, and shall be transferable by endorsement.

Levy of taxes for city purposes.

SECTION 2. The common council shall levy annually, to defray the current expenses of said city, a sum not exceeding fifteen mills upon the dollar of the total assessed valuation of all taxable property in said city, and for all other purposes, except for schools and bridges; and the payment of principal and interest of outstanding bonds, debts, and obligations of said city a sum not exceeding five mills upon a dollar of the said valuation.

Restriction of power of council in issuing bonds, etc.

SECTION 3. The common council shall not have power to issue any bonds or other evidences of debt payable at a day subsequent to the date of the issue thereof, except in cases specially authorized by law, nor shall the common council issue, in any one year, orders upon the city treasury to an amount greater than the amount of taxes which may be levied under the provisions of this act; *provided*, that whenever it shall be necessary to rebuild or repair bridges, a special tax may be levied for such purpose, not exceeding five thousand dollars in any one year. Said taxes, when so levied, shall be collected at the same time as other city taxes are collected.

Special bridge tax.

SECTION 4. Special taxes may also be levied by the

city council at any regular meeting for the purpose of paying the interest or principal of any outstanding bonds now due or hereafter to become due, issued by the borough or city of Green Bay, or which may hereafter be issued by said city by authority of law; *provided*, *however*, no greater tax shall in any one year be levied than shall be necessary to pay the amount which will be due on such bonds at the time such tax shall be collectable by virtue of this act, or shall become due before the time appointed by law for assessing and levying the annual taxes. Said taxes, when so levied, shall be collectable at the same time as other city taxes are collected.

Special tax for payment of interest and bonds.

Proviso.

SECTION 5. The common council of said city, by a two-thirds vote of all the aldermen elect, and not otherwise, shall have power to appropriate a sum not exceeding five hundred dollars to any public purpose they may deem proper.

Appropriations for public purposes.

SECTION 6. When the common council shall think best they may select some bank, banks or banking associations within the city, with which all funds in the treasury of the city, or which shall be thereafter collected or received by the treasurer, shall be deposited; *provided*, *however*, that such bank, banks or banking association, so selected, shall, before receiving such funds, give security to an an amount fixed by said council, and in the same manner as is now required of the treasurer of said city, conditioned upon the safe keeping and proper distribution of such funds, which security shall be approved by the common council.

City funds may be deposited in bank.

SECTION 7. The city treasurer shall daily deposit with the bank, banks or banking associations so selected, all moneys collected or received by him during the day, it or they giving proper vouchers therefor. From the times of so depositing such funds the said treasurer shall be relieved from all liability to the city arising from the failure of the bank, banks, or banking associations safely to keep said funds. Such funds shall be drawn out only by the check of the said treasurer, countersigned by the city clerk.

Duty of city treasurer to deposit funds in bank.

SECTION 8. The common council may before or after so selecting a depository or depositories, contract with such bank, banks or banking association, that it or they shall pay to the city such interest upon said funds so to be deposited, as they may mutually agree upon. The council may at any time direct all

Interest may be received on city funds deposited.

sums so deposited to be paid into the city treasury or to such other bank or banks as they may select under the law.

Property subject to taxation.

SECTION 9. All property in said city, real, personal or mixed, except such as may be exempt by the laws of this state, shall be subject to taxation for all purposes authorized by law, and the same shall be assessed in the manner hereinafter provided; and the assessor elected under this act shall have and possess the same powers that are or may be conferred upon township assessors, except so far as they may be altered by this act; *provided, however*, that the common council may prescribe the form of assessment rolls and more fully define the duties of assessors, and make such rules and regulations in relation to revising, altering or adding to such rolls, as they may from time to time deem advisable.

Powers of city assessor.

Proviso.

Exempt property subject to special taxes.

SECTION 10. Real estate exempt from taxation by the laws of this state, shall be subject to special taxes as other real estate under this act.

Taxes and assessments to be lien upon property.

SECTION 11. All taxes and assessments, general or special, levied under this act, shall be and remain a lien upon the tenements upon which they may be assessed, from the time of the confirmation of such assessment roll, and on all personal property of any person or body politic, assessed for personal taxes, from the date of the warrant for the collection thereof until such tax shall be paid, and no sale or transfer of such real or personal estate shall affect said lien. Any personal property belonging to the person taxed may be taken and sold for the payment of taxes upon personal property.

Assessment roll to be completed and returned by first Monday in July.

SECTION 12. The assessor shall complete and return his assessment roll to the board of equalization of said city on or before the first Monday in July in each year. During the last week of the month of June, in each year, the assessor shall attend at the chambers of the common council for the purpose of hearing the complaints of persons who may feel themseles aggrieved by such assessment, and shall make alterations and such amendments thereto as justice and equity may require.

Complaints to be heard.

When property has been omitted in assessment roll of previous years.

SECTION 13. If it shall appear to the assessor that any lot or parcel of land was omitted in the assessment roll of either or both of the two preceding years, and that the same was then liable to taxation he shall in addition to the assessment for that year assess the lot or tract so omitted, for such year or

years in which it shall have been so omitted, at the just value thereof, noting the year when such omission occurred, and such assessment shall have the same force and effect as it would have had if made in the year when the same was omitted. And the common council shall, in addition to the taxes for the current year, levy such taxes upon such lot or tract as the same would have been chargeable with had not the same been so omitted, and such taxes shall be collected as other taxes or assessments are for the current year. All lands shall be subject to taxes that may have been omitted, in whosesoever hands they may have come. Should the tax or assessment upon any parcel of land be set aside or declared void by reason of any defect or informality in the assessing, levying, selling or conveying the same, but not affecting the equity or justice of the tax itself, the common council shall cause the tax or assessment so set aside or declared void, to be re-levied in such manner as they shall by ordinance direct; *provided*, that if the defect was in the assessment, the same shall be again assessed at such time as the common council may direct, and the said tax or assessment so reassessed or re-levied shall be and continue a lien upon said lot or tract, and shall be collected as other taxes and assessments are collected under this act.

Taxes set aside to be re-levied.

Proviso.

SECTION 14. The mayor, city clerk, city treasurer and assessor shall constitute a board of equalization, and shall meet at the chamber of the common council, on the first Monday of July, in each year, at nine o'clock in the forenoon, and shall proceed in all respects as town boards are by law required to proceed, so far as the same is applicable, reviewing, correcting and equalizing the assessment rolls of the several wards in the city. The mayor shall be president of the board of equalization, and the city clerk the clerk thereof. The board may supply omissions in said roll, and for the purpose of equalizing the same, may alter and add to, take from and otherwise revise and correct the same; *provided*, *however*, the board shall not have the power to increase the amount of said roll, except by adding the value of such real property as may have been omitted by the assessor.

Board of equalization—powers and duties of.

SECTION 15 After the corrections and revisions of the assessment roll by the board of equalization, the same shall be filed with the city clerk, who shall record all changes made therein by said board, the common council shall thereupon by resolution, levy

Assessment roll to be filed with city clerk after being revised.

such sum or sums of money not exceeding the authorized percentage as may be sufficient for the several purposes for which taxes are herein authorized to be levied, particularly specifying the purposes for which the same are levied.

City clerk to carry out amounts on roll

SECTION 16. The city clerk on receiving the corrected assessment roll, and a certificate of the amount of state, county and school tax, apportioned to said city, shall calculate and carry out the total amount of such taxes, together with all the city and other local taxes, setting down opposite to the several sums set down, as the valuation of real and personal property, the respective sums assessed as taxes thereon, in dollars and cents, rejecting the fraction of a cent when less than one-half, otherwise reckoning said fraction as a cent.

Clerk to deliver duplicate copy of roll to treasurer with warrant.

SECTION 17. Upon the completion of said roll the clerk shall make a duplicate copy thereof and deliver the same to the city treasurer, on or before the second Monday in December in each year. To the roll so delivered shall be annexed a warrant under the hand of the clerk and the corporate seal of the city, which warrant shall be substantially in the following form:

Form of warrant.

The state of Wisconsin—

To the city treasurer of the city of Green Bay, in the county of Brown:

You are hereby commanded to collect from each of the persons and corporations named in the annexed assessment roll, and of the owners of the real estate described therein, the taxes set down in such roll opposite to their respective names and to the several parcels of land therein described; and in case any person or corporation, upon whom any personal property tax is imposed, shall refuse or neglect to pay the same, you are to levy and collect the same by distress and sale of the goods and chattels of the person or corporation so taxed; and out of the money so to be collected, after deducting your fees, you are first to pay the treasurer of said county on or before the last Monday of January next the sum of ———— for state taxes, and the further sum of ——— for county taxes, and the balance of said money you are required to retain, and pay out according to law; and in case said taxes and assessments shall not be paid before the fourth Monday of March next, you are required to proceed and sell the several lots or parcels of lands, or those parts thereof upon which said taxes

or assessments shall remain unpaid as provided by law, and to make due return of the warrant to the common council of said city on or before the first Tuesday of July next.

Assessment roll to be prima facie evidence.

SECTION 18. The said assessment roll and warrant thereto attached, shall be prima facie evidence in all courts that the lands and persons therein named were subject to taxation, and that the assessment was just and equal.

Council may alter completed roll.

SECTION 19. After the assessment roll is completed and placed in the hands of the city treasurer for collection, it shall not be lawful for the common council to remit, annul, or cancel any tax charged against any real or personal property, except in the following specified cases:

In cases of errors.

1st. When a clerical error has been made in descriptions or transfer of the property from the original assessment lists or books to the tax-roll or in the extension of the tax.

When improvements made prior to date of assessment have been assessed.

2d. When improvements by the erection of buildings have been assessed on lots or lands when none had been made at the time fixed by law for making the assessments.

When property is exempt.

3d. When the tax is manifestly illegal and void by reason of the exemptions of the property from taxation by law.

Treasurer to give notice of collection of taxes.

SECTION 20. On receipt of the tax-roll and warrant the treasurer shall give two weeks public notice in the official paper that such tax-roll (describing for what purpose such taxes are levied), has been delivered to him for collection, and all taxes must be paid to him at his office within thirty days from the date of said notice. If the taxes on personal property are not paid within said time, he shall then proceed to collect the same by distress and sale of the goods and chattels of the persons charged, giving at least six days' notice of the time and place of such sale by posting up not less than three written notices in as many public places in said city.

Delinquent personal property taxes to be levied by distress.

Delinquent lots and lands subject to sale.

SECTION 21. Each and every lot or lots or any other piece of land, upon which the taxes, interest and charges shall not be paid by the fourth Monday of March next, after the levying and assessing of the same, shall be subject to sale as hereinafter provided.

Treasurer to advertise lands for sale.

SECTION 22. The city treasurer shall immediately after the said fourth Monday in March, make out a notice stating that the tracts and parcels of land specified in said tax-roll, upon which the taxes shall not

have been paid by that day, will be sold by him at public auction at the office of said treasurer, in said city, on the first Tuesday of July next thereafter, and the next succeding days, for the taxes, interest and charges thereon. The said treasurer shall cause said notice to be published in a newspaper printed in said city, once in each week for four successive weeks prior to said first Tuesday in July, and also at least four weeks prior to that day post up copies thereof in three public places in said city.

Treasurer to sell delinquent lands at public auction.

SECTION 23. On the day and at the place designated in the treasurer's notice he shall commence, by public auction, the sale, and continue from day to day until the whole are disposed of, of all tracts and lots or parts thereof, upon which the taxes or assessments shall remain unpaid; the sale to be made for the smallest undivided portion of the lot or tract for which any person will take the same and pay the taxes and charges thereon. On receiving the amount of such taxes and charges, the treasurer shall issue to the purchaser, his or her heirs or assigns, a certificate containing the name of the purchaser, a description of the premises sold, the amount paid therefor, the rate of interest said certificate may bear, and the time when the right to redeem the same will expire. The treasurer shall keep a record of the lots or tracts sold, the name of the purchaser, the date and amount of sale, by whom and for what sum the same was redeemed, and the time and to whom the same was conveyed if not redeemed. In case any purchaser at such tax sale shall neglect or refuse to pay the amount for which any lot or tract was sold at such time as the treasurer shall designate, he shall on the day following offer said lot or tract again for sale; and any person bidding off at any such sale any lot or tract of land, and refusing or neglecting to pay for the same within the time designated, shall forfeit and pay to the city the sum of five dollars for each lot so purchased and not paid for, to be sued for and collected as other penalties under this act.

To give purchaser certificate of sale.

Record of lots sold to be kept.

Lots or lands may be redeemed from sale within three years.

SECTION 24. Any lot or tract of land heretofore sold under the former charter of said city, and the acts amendatory thereof, or which shall be sold for taxes under this act, or any portion thereof, may be redeemed within three years from the day of sale, and any time before the deed is executed, by the owner or any person interested therein, paying to the treasurer the amount for which the same was sold.

together with the interest at the rate of twenty-five per cent. per annum, and the legal charges thereon. If the estate of an infant or lunatic be sold, the same may be redeemed upon the like terms, at any time within a year after such disability shall be removed.

Lots and lands not redeemed within three years to be conveyed to purchaser.

SECTION 25. Any tract or lot of land sold in pursuance of former charter of said city, and the acts amendatory thereof, or of this act, or any part thereof, which shall not be redeemed within three years from the date of sale, shall be conveyed by the treasurer to the purchaser or his assignees, as herein provided.

Assignee of certificate to be entitled to deed

SECTION 26. The assignee of any tax certificate by endorsement thereon, of any premises sold for taxes by virtue of the former charter by said city, and the acts amendatory thereof, or of this act, shall be entitled to receive a deed of such premises in his own name, and with the same effect as though he had been the original purchaser.

When no bids made property to be struck off to city.

SECTION 27. If at any sale of real or personal estate, for taxes or assessments, no bid shall be made for any parcel of land, or any goods and chattels, the same shall be struck off to the city, and thereupon the city shall receive in its corporate name a certificate of the sale thereof, and shall be vested with the same rights as other purchasers are. If the city shall become the purchaser of any personal property by virtue of this act, the city treasurer shall have the power to sell the same at public sale; and in case the city becomes the purchaser of any real estate at any tax sale, the city treasurer is authorized to sell the certificates issued therefor, for the amount sold, and interest, and to endorse and transfer such certificate to the purchaser.

Treasurer may sell certificates held by city.

Tax deeds to be evidence of validity of tax.

SECTION 28. All deeds purporting on their face to be executed on account of sale for taxes or assessments, under the previous charter of said city, and the acts amendatory thereto, or under this act, shall be in all cases prima facie evidence of the validity of such tax, and if the title conveyed by such deed shall come in question, shall be prima facie evidence of all facts recited in such deed so far as they affect the validity of the title conveyed by such deed.

Treasurer to receive money for redemption of land and issue certificate of redemption.

SECTION 29. The city treasurer shall receive all moneys that may be legally tendered him for the redemption of land sold for taxes. He shall execute to the person so redeeming, a certificate specifying therein the name of the purchaser of the land redeemed, and the amount of the redemption money

paid, and shall also enter on the sale list kept by him, the name of the person redeeming, the sum paid therefor by him, and the time when paid. Said certificate shall be evidence of such redemption and he shall keep an account thereof, and pay the same over on demand to the person entitled to receive the same. He shall cancel all certificates so redeemed and preserve the same in his office. He shall deliver over to his successor all redemption moneys in his hands, with a statement of the amounts so received.

Fees of treasurer for collection of taxes.

SECTION 30. The treasurer shall be entitled to receive and collect as fees for collection of taxes, one per cent. upon all taxes collected by or paid to him between the second Monday of January and the second Monday of February in each year, two per cent. upon all taxes on assessments collected by or paid to him between the second Monday of February and the second Monday of March in each year; three per cent. upon all taxes or assessments collected by or paid to him between the second Monday of March and the second Monday of April in each year; four per cent. upon all taxes or assessments collected by or paid to him between the second Monday of April and the second Monday of May in each year; and five per cent. upon all taxes or assessments collected by or paid to him after the said second Monday of May, and in each case of a distress and sale made by him of goods and chattels for the payment of any tax, he shall be entitled to receive such fees as are allowed constables on sales of goods upon execution; for each certificate by him issued on sales of lands for payment of taxes on assessments, ten cents (to be added to the amount of tax or assessment, and included in such certificate); for each lot redeemed, for which he shall issue a certificate, twenty-five cents, and five cents for each additional lot embraced in such certificate, to be paid by the person redeeming; for each tax deed executed by him, one dollar, and five cents for each additional lot or tract embraced in the same deed, to be paid by the person receiving the same. The city treasurer shall collect the fees hereinbefore described, and shall keep in a book to be provided for that purpose, a true account and statement of all fees by him received as city treasurer, from any source whatever, and when the amount thereof shall reach the sum of one thousand dollars, which sum is hereby intended to be the compensation of said treasurer, all sums re-

Compensation of treasurer.

ceived by him over and above that amount, shall be paid by him into the general funds of said city; and such book shall be open at all reasonable times to the inspection of any person; and the city treasurer shall, when required, make report to the common council, duly certified on oath, of all fees or other moneys received by him as treasurer, and he shall receive no other or further compensation for his services as treasurer than as hereinbefore provided, except that the common council shall provide him with all necessary books, blanks and stationery, requisite to the discharge of his duties; *provided*, that the common council may, at their last regular meeting in March, fix the salary of the treasurer to be elected at the next ensuing election, at a sum less than one thousand dollars, but in no case shall they increase said salary during the term.

Proviso.

SECTION 31. The treasurer shall, on or before the last Monday of January, in each year, pay to the county treasurer the state tax assessed upon lots and tracts of land and personal property in said city.

When state tax to be paid.

SECTION 32. All directions hereby given for the assessing of lands and the levying and collecting of taxes and assessments shall be deemed only directory, and no error or informality in the proceedings of any of the officers intrusted with the same, not affecting the substantial justice of the tax itself, shall vitiate or in any wise affect the validity of the tax or assessment.

No error or informality to invalidate tax.

SECTION 33. No person shall be permitted to institute any proceedings to set aside any assessment or special tax hereafter levied or assessed upon any lot or tract of land, or to set aside or to set up or interpose any objections to the title derived by virtue of any deed executed in consequence of the non-payment of such taxes and of the sale of premises therefor, unless such person shall first pay or tender to the proper party or deposit for his use with the city treasurer, the amount of all state, county and city taxes that may remain unpaid upon each lot or tract, together with the interest and charges thereon.

Proceedings to set aside assessment.

SECTION 34. All the general laws of this state, which now or may hereafter be in force, relative to the assessment and collection of taxes, shall be in force in said city, except as otherwise herein specially provided. The city treasurer shall proceed to enforce the collection of all taxes and assessments in the manner provided by law for the collection of tax-

General state laws to be in force.

dinance, by-law or regulation under which the penalty or forfeiture is claimed, and to give the special matter in evidence under it.

Process in prosecutions.

SECTION 2. In all prosecutions for any violation of any of the provisions of this act, or any by-law, ordinance or regulation, the first process shall be a summons, unless oath be made for a warrant as in cases of tort before justices of the peace, under general statutes of the state for the time being.

Form of summons.

SECTION 3. When the action is commenced by summons such summons may be substantially in the following form:

County of Brown—City of Green Bay—ss.

The state of Wisconsin, to the sheriff [or] any constable of said county, or to the chief of police of the county of Green Bay:

You are hereby commanded to summons A. B., if he shall be found within your county, to appear before the undersigned, one of the justices of the peace in and for said city, at his office in said city, on the —— day of —— 18—, at —— o'clock in the —— noon, to answer to the city of Green Bay to the damage of said city, two hundred dollars or under.

Given under my hand, at the said city, this —— day of ——, 18—. C. D. Justice of the Peace.

Manner of returning summons and conducting action.

SECTION 4. Such summons shall be made returnable and be served in the same manner as is now or hereafter may be prescribed by the laws of the state for the commencement of actions before justices of the peace by summons; and all proceedings in the action except as hereinafter provided, shall be governed by the laws of the state for the time being, relative to actions commenced by summons and triable before justices of the peace.

Form of complaint.

SECTION 5. When the action is commenced by summons, the complaint may be substantially in the following form:

The city of Green Bay againt A. B.—In justice court, before C. D., justice.

The plaintiff complains against the defendant, for that the defendant, on the —— day of ——, 18—, at the said city, did violate (section —— of chapter —— of this act, or section —— of an ordinance or by-law, or regulation of said city, describing it by its title), which said —— is now in force. By reason of such violation an action hath accrued to the city of Green Bay, to recover of the defendant the sum

of —— dollars. Wherefore the plaintiff demands judgment against the defendant for the sum aforesaid, besides the costs of this action.

SECTION 6. In all cases where oath is made for a warrant, the complaint shall be made on oath, and no other affidavit shall be necessary, which last mentioned complaint may be substantially in the following form: Form of complaint.

The city of Green Bay against A. B.—In justice's court, before C. D., justice.

County of Brown, ss.

——— ———, being duly sworn, complains on oath to C. D., one of the justices of the peace in and for the city of Green Bay, in said county, that A. B., on the —— day of ——, 18—, at said city, did violate (section —, of chapter —, of this act, or section — of an ordinance or by-law, or regulation of said city, describing it by its title), which said —— is now in force, as this complainant verily believes; and prays that said A. B. may be arrested and held to answer to said city of Green Bay therefor.

Sworn and subscribed this — day of ——, 18—, before me.

——— ———.

It shall be sufficient to give the number of the section and chapter of this act, or the section of the ordinance, by-law or regulation violated, or particular part thereof in the foregoing forms of complaint, and said complaint may be sworn to before any officer authorized to administer oaths. Upon the filing of such complaint with the justice of the peace, he shall issue a warrant substantially in the following terms: Sufficient to give number and section of act.

County of Brown, City of Green Bay—ss. Form of warrant.

The State of Wisconsin:

To the sheriff [or] any constable of said county, and to the chief of police of the city of Green Bay, greeting:

Whereas, ——— ——— has this day complained to me in writing, on oath, that A. B. on the —— of ——, 18—, at said city, did violate (section ——, of chapter ——, of this act, or section —— of an ordinance or by-law, or regulation of said city, describing it by its title), which said —— is now in full force, as the complainant believes; therefore you are commanded to arrest the body of said A. B., and bring

him before me forthwith to answer to the city of Green Bay on the complaint aforesaid.

C. D., Justice of the Peace.

In case of adjournment defendant to give security for his appearance.

Upon the return of the warrant, the justice may proceed summarily with the case, unless it be adjourned by consent or for cause. If the case be adjourned the defendant, if required by the court so to do, shall recognize with security to be approved by the court for his or their appearance in such sum as the court shall direct, or, in default thereof, may be put in charge of the officer who made the arrest, or be committed to the common jail of Brown county. The complaint as aforesaid shall be the only complaint required, and the answer of not guilty shall put in issue all subject matter embraced in the action.

Printed copies of ordinances, etc., to be received in evidence.

SECTION 7. A printed copy of an ordinance, by-law or regulation passed by the common council, and published in a newspaper or in pamplet or book form, purporting to be published by authority of the common council, or certified by the clerk of said city to have been so published, shall be prima facie evidence of its passage and publication and shall be received in evidence on the trial of all cases cognizable before any court in this state.

Witnesses and jurors to attend without advance payment.

SECTION 8. Witnesses and jurors shall attend before a justice of the peace, in all city and criminal suits without the payment of fees in advance, or a tender thereof, upon process duly served, and in default thereof their attendance may be compelled by attachment.

Findings of court.

SECTION 9. In city prosecutions the findings of the court or jury shall be either guilty or not guilty. If guilty the court shall render judgment thereon against the defendent for the fine, penalty or forfeiture prescribed in this act, or in the ordinance, by-law or regulation for the violation of which the person or persons shall have been adjudged guilty, and for costs of suit; but if not guilty, the costs of suit shall be taxed against the city. Upon the rendition of judgment against the defendant, and the non-payment thereof, the justice shall forthwith issue execution, as in other cases of tort, in case the action was commenced by summons, or a commitment in case it was commenced by warrant, and shall in either case determine and enter upon his docket the length of time the defendant shall be imprisoned for non-payment, which in no case shall exceed six months, and also insert such time in the execution or commit-

Justice to issue execution or commitment and enter sentence upon docket.

ment. Such execution may be in the following form:

Form of execution.

County of Brown, City of Green Bay—ss.

The state of Wisconsin, to the sheriff or any constable of said county, or to the chief of police of the said city, and to the keeper of the common jail of said county, greeting:

Whereas, the said city of Green Bay, on the —— day of ——, 18—, recovered a judgment before the undersigned, one of the justices of the peace, in and for the said city, against —— ——, for the sum of — dollars together with — dollars and — cents, costs of suit, for the violation of (section —, of chapter —, of this act, or section ——, of an ordinance or by-law or regulation of said city, describing it by its title) you are hereby commanded to levy distress of the goods and chattels of said ——— ———, excepting such as the law exempts, and make sale thereof according to law, to the amount of said sums, together with your fees, and twenty-five cents for this writ, and the same return to me in thirty days, and for want of such goods and chattels whereon to levy, to take the body of said —— ——, and him convey and deliver to the keeper of the common jail in Brown county; and said keeper is hereby commanded to receive and keep in custody in said jail, the said ——, for the term of —— unless the said judgment, together with all the cost and fees are sooner paid, or he be discharged by due course of law.

Given under my hand, this —— day of —— 18—,

C. D., Justice of the Peace.

Form of commitment.

The form of the commitment shall be substantially the same as that of the execution, omitting all that relates to levy and sale and return of writ.

Right of defendant to appeal.

SECTION 10. Any defendant, feeling aggrieved by the judgment of a justice of the peace in any action commenced under the provisions of this act, by summons or warrant, may appeal from such judgment to the circuit or county court of the county of Brown; *provided*, such defendant within twenty-four hours after the entry of such judgment enters into a recognizance with one or more sufficient sureties, to be approved by such justice, conditioned to appear before the court and abide the judgment of the court therein.

Justice to file proceedings, etc., with clerk of court.

The justice from whose judgment an appeal shall be taken shall make a special return of the proceedings had before him, and shall forthwith cause the summons or warrant and return, together with the

proceedings and a copy of the entries on his docket in the action, together with the recognizance, to be filed in the office of the clerk of said court; and the city may appeal from any such judgment, as in other cases before justices of the peace.

Appeal to be tried by jury.

SECTION 11. Said appeal shall stand for trial by jury, unless a jury be waived in the manner provided by law, in said circuit court, at the next term thereof after the day the judgment of the justice shall be rendered, and no notice of trial shall be required to be given to either party.

No notice of trial required.

In case judgment of justice is confirmed.

SECTION 12. If the judgment of the justice shall be affirmed, or if upon the trial the defendant shall be convicted, the court shall inflict the penalty provided by this act, or the ordinances, resolution, by-law, or regulation under which he or they are prosecuted, and enter judgment against him or them and their sureties for such penalty, together with the costs in both courts, and enforce the same by execution as in actions of tort.

Competency of judge, jurors, etc.

SECTION 13. No person shall be an incompetent judge, justice, juror or witness by reason of his being an inhabitant of said city, in any proceeding or action in which the city shall be a party in interest.

Present ordinances to remain in force.

SECTION 14. All ordinances and regulations now in force in the city of Green Bay, and not inconsistent with this act, shall remain in force until altered, modified or repealed by the common council after this act shall take effect.

Previous actions vested in corporation hereby created.

SECTION 15. All actions, rights and penalties, fines and forfeitures, in suits or otherwise, which have arisen or accumulated under the several acts consolidated herein, shall be vested in and prosecuted by the corporation hereby created.

Preservation of bridges.

SECTION 16. The general laws for the preservation of bridges and the punishment provided by such laws for wilful and malicious injuries done thereto are hereby extended to and shall include all of the bridges erected or owned by said city over the Fox and East rivers, and shall apply to any wilful or malicious damage which may be done to either of them by any person or persons whatever; and the common council of said city may, from time to time, make such by-laws or ordinances as they may deem necessary for the preservation of such bridges, and enforce the same by adequate penalties. In case of any damage done to any of said bridges by any vessel or water-craft, or by the master or any person in command

ment. Such execution may be in the following form:

Form of execution.

County of Brown, City of Green Bay—ss.

The state of Wisconsin, to the sheriff or any constable of said county, or to the chief of police of the said city, and to the keeper of the common jail of said county, greeting:

Whereas, the said city of Green Bay, on the —— day of ——, 18—, recovered a judgment before the undersigned, one of the justices of the peace, in and for the said city, against —— ——, for the sum of — dollars together with — dollars and — cents, costs of suit, for the violation of (section —, of chapter —, of this act, or section ——, of an ordinance or by-law or regulation of said city, describing it by its title) you are hereby commanded to levy distress of the goods and chattels of said ——— ———, excepting such as the law exempts, and make sale thereof according to law, to the amount of said sums, together with your fees, and twenty-five cents for this writ, and the same return to me in thirty days, and for want of such goods and chattels whereon to levy, to take the body of said —— ——, and him convey and deliver to the keeper of the common jail in Brown county; and said keeper is hereby commanded to receive and keep in custody in said jail, the said ——, for the term of —— unless the said judgment, together with all the cost and fees are sooner paid, or he be discharged by due course of law.

Given under my hand, this —— day of —— 18—,

C. D., Justice of the Peace.

Form of commitment.

The form of the commitment shall be substantially the same as that of the execution, omitting all that relates to levy and sale and return of writ.

Right of defendant to appeal.

SECTION 10. Any defendant, feeling aggrieved by the judgment of a justice of the peace in any action commenced under the provisions of this act, by summons or warrant, may appeal from such judgment to the circuit or county court of the county of Brown; *provided*, such defendant within twenty-four hours after the entry of such judgment enters into a recognizance with one or more sufficient sureties, to be approved by such justice, conditioned to appear before the court and abide the judgment of the court therein. The justice from whose judgment an appeal shall be taken shall make a special return of the proceedings had before him, and shall forthwith cause the summons or warrant and return, together with the

Justice to file proceedings, etc., with clerk of court.

bilities and exemptions, such bond and sureties be approved by the common council previous to the opening of the accompanying bids or proposals, and shall be conditional that such bidder will execute and perform the work for the price mentioned in his proposal, and according to the plans and specifications on file, in case the contract shall be awarded to him, and in case of default on his part to execute a contract with satisfactory sureties, and to perform the work specified, said bond may be prosecuted in the name of the city, and judgment recovered thereon for the full amount of the penalty thereof as liquidated damages in any court having jurisdiction of the action.

Contractor to give security.

SECTION 2. No contract shall be entered into by the city unless the same shall be executed by two or more sureties for the contractors, guaranteeing to the satisfaction and approval of the proper authorities the performance of such contract by the contractors, each of which sureties shall make an affidavit endorsed on or attached to such contract, that he is worth the estimated amount of money to be paid by such contract, over and above all his debts, liabilities and exemptions. Whenever the lowest bid for any work to be let by said city shall appear to the said council to be unreasonably high, the said council authorized to reject all bids therefor, and to re-let the work anew.

Council may reject unreasonable bids.

Precautions to be taken to prevent accidents in repairing streets.

SECTION 3. Whenever the city shall let any work or improvement which shall require the digging up, use or occupancy of any street, alley, highway or public ground within said city, there shall be inserted in the contract therefor substantial covenants requiring such contractors during the night time, and during all times when work thereon is suspended, to put up and to maintain such barriers and lights as will effectually prevent the happening of any accident in consequence of such digging up, use or occupancy of said street, alley, highway, or other public grounds, for which the city might be liable, and also such other covenants and conditions as experience has proved or may prove necessary to save the city harmless from damages; and it shall also be provided in such contracts that the party contracting with the city shall be liable to said city for all damages occasioned by the digging up, use or occupancy of the street, alley, highway or public grounds, which may result therefrom, or which may re-

thereof, such vessel or water-craft may be proceeded against by the said city under the law to provide for the collection of demands against boats and vessels which does now or may hereafter exist.

Vessel doing damage to bridges to be proceeded against.

SECTION 17. When any suit or action shall be commenced against said city, the services thereof may be made by leaving a copy of the summons with the mayor or clerk of said city, and it shall be the duty of the said mayor or clerk, so served, forthwith to inform the city attorney thereof, or to take such demand or proceedings as by ordinance or resolution of said council may be in such cases provided.

How actions to be commenced.

SECTION 18. All penalties and forfeitures recovered and collected under and by virtue of this act shall be paid into the city treasury for the use and benefit of said city, except as provided in chapter eight of this act.

Penalties, etc., to be paid to city treasurer.

SECTION 19. All fire engines, hose, hose-carts, hook and ladders, and wagons therefor, and all other apparatus and implements used to extinguish fire, and all houses or buildings owned or occupied by said city for such engines, hose, hose-carts, hook and ladders and other apparatus and implements, shall be exempt from attachment or execution issued in any action, or on any judgment wherein the city shall be a party.

Fire apparatus exempt from execution.

SECTION 20. No real or personal property of any inhabitant of said city, or of any individual or corporation shall be levied on or sold by virtue of attachment or execution issued to collect or satisfy any contract debt or obligation of said city or any judgment against said city.

Private property exempt from execution against city.

CHAPTER XIII.

MISCELLANEOUS.

SECTION 1. All contracts for work ordered by the common council shall be let to the lowest bidder who shall have complied with the requirements hereinafter set forth. All bids or proposals shall be sealed and directed to the common council, and shall be accompanied with a bond to the city of Green Bay, in the penal sum of one-third the city's estimate of the cost of the work, which bond shall be signed by the bidder, and by two or more responsible sureties, who shall each make affidavit that he is worth the penal sum of such bond, over and above all his debts, lia-

Contracts for public work—how and with whom to be made.

venience of the inhabitants thereof, and may sell or convey the same; and the same while owned, occupied or held by said city, shall be exempt from taxation.

Leases and deeds to be executed in name of city.

SECTION 11. When the city of Green Bay deeds, leases any real estate, or any interest therein owned by said city, the party of the first part shall be the city of Green Bay, and the person or persons authorized to execute such deed or lease need not be named in the body thereof.

Transfer of real estate by city.

SECTION 12. The mayor of said city is hereby authorized, when the common council shall so direct, and shall by ordinance or resolution describe the real estate and interest to be conveyed, to execute a deed or lease of such real estate or interest therein belonging to said city. The said deed or lease shall be signed by the mayor of the city and countersigned by the city clerk, and sealed with the corporate seal of said city, and duly witnessed and acknowledged as is provided for the execution of deeds and conveyances.

Copy of ordinance or resolution to be recorded with deed.

SECTION 13. When any such deed or lease is executed, the city clerk shall attach to such deed or lease a true copy, by him duly certified, of the ordinance or resolution aforesaid, and the same shall be recorded by the register of deeds with the said deed or lease; and such copy so attached, and the record thereof, shall in all courts of this state be prima facie evidence of the authority of the mayor to make and execute such deed or lease.

When elections not held at prescribed time, to be held at subsequent date.

SECTION 14. If any election by the people or common council shall, for any cause, not be held at the time or in the manner herein prescribed, or if the council shall fail to organize as herein provided, shall not be considered reason for arresting, suspending, or abolishing said corporation, but such election or organization may be had at any subsequent day by order of the mayor; and if any of the duties enjoined by this act, or the ordinances or by-laws or regulations of said city, to be done by any officer at any specified time, and the same are not then done or performed, the common council may appoint another time in which said act may be done and performed.

Act of officers not done at proper time, to be done subsequently.

Act not repealed by general law.

SECTION 15. No general law of this state contravening the provisions of this act, shall be considered as repealing, annulling, or modifying the same, unless such purposes be expressly set forth in such law, as an amendment to this charter.

from the carelessness of such contractor, his agent, employes or workmen.

SECTION 4. Whenever any work or improvement shall be let by contract to any person or persons, firm or corporation, covenants shall be inserted in such contract, binding such person or persons, firm or corporation, and the sureties to save and indemnify and keep harmless, the said city against all liabilities, judgments, costs and expenses which may in anywise come against said city in consequence of the granting of such contract, or which may in anywise result from the carelessness or neglect of such person or persons, firm or corporation, or his or its agents, employes or workmen in any respect whatever.

Contractors to secure the city against judgments, costs, etc.

SECTION 5. No moneys shall be appropriated for any purpose whatever, except such as are expressly authorized by this act.

Appropriation of money.

SECTION 6. No penalty or judgment recovered in favor of the city, shall be remitted or discharged except by a two-thirds vote of the aldermen elect.

Penalties and judgments recovered by city.

SECTION 7. The common council may at any time cause a new and accurate survey to be made of the line and boundaries of all the streets, alleys, sidewalks, public grounds, wharves, and blocks, and may cause to be established such permanent landmarks as they may deem necessary, and to cause an accurate plat or plats thereof to be made, and certified to by the surveyor, which shall be filed in the office of the city clerk.

Council may cause new survey of streets, etc.

SECTION 8. The surveys and landmarks so made and established, shall be prima facie evidence of the lines and boundaries of all streets, alleys, sidewalks, public grounds, wharves and blocks, in all cases in which they shall be drawn into controversy in all courts in this state.

Surveys and landmarks to be evidence of boundaries.

SECTION 9. The common council may, at such time as they may deem proper, establish the grades of all the streets, alleys, and sidewalks in said city, or any or either of them, and shall cause accurate profiles thereof to be made, which shall be filed in the office of the city clerk; and should the grade so established be at any time thereafter altered, all damages, costs and charges arising therefrom shall be paid by the city to the owners of lots or parcels of land, or tenements which may be affected or injured in consequence of the alteration of such grade.

Council may establish grades of streets, etc.

Damages to be paid by city.

SECTION 10. The said city may have, purchase or hold real and personal estate sufficient for the con-

City may hold property.

In civil actions in which time has expired without issue having been joined, judge may hear testimony and sign judgment.

Section 1. In all civil actions now pending, or which shall hereafter be commenced, in any circuit court in any of the judicial circuits in this state, in which the time allowed by law therefor has expired, or shall expire, without any issue, either of law or fact, having been, or being joined therein, it shall be lawful for the judge of said court, upon the application of the plaintiff in such action, upon such notice to the adverse party, as is now required by law in cases where notice of application for judgment is required, and without notice to the adverse party where by law no notice is now required to hear the testimony and proofs offered in such actions, whether submitted upon report of referee or taken in open court, and to sign a judgment therein at any general or special term in his circuit, and the judgment so signed, together with the proofs and testimony taken, shall be filed in the office of the clerk of the court in which such action shall be pending, and such judgment shall have the same effect and be enforced as if the same had been signed during a regular term of the said court; and either party may apply for payment upon any frivolous pleading, or move upon any frivolous or sham pleading for judgment or to strike out the same, or to make any pleading more definite and certain, or for judgment for deficiency, after a foreclosure sale or for confirmation of sale in foreclosure or other judicial sale, at any general or special term in the circuit in which such action is now or may hereafter be pending, upon such notice as is now required by law, and without notice where no such notice is now required by law; and the court is hereby authorized to hear and decide such application or motion, and its order or judgment therein may be filed in the office of the clerk of the court in which the action is pending, and shall have the same effect as if signed or made at a regular term of said court and be in like manner enforced.

Judgment to be filed in office of clerk of court and to have same effect as if signed during regular term.

Judgment on frivolous pleading, for deficiency, or confirmation of sale, may be moved for at any general or special term.

Court authorized to hear and decide motion.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 5, 1875.

SECTION 16. All bridges belonging to the city of Green Bay shall be under the jurisdiction of the corporate authorities thereof. Bridges under jurisdiction of city.

SECTION 17. No person shall be incapaciated or excused from testifying touching any offense committed against any of the provisions of this act, or any ordinances of the city of Green Bay by reason of him or her being implicated in any such offense, but the testimony of such witnesses shall in no case be used against such witnesses. Qualification of witnesses.

SECTION 18. Chapter sixty-four (64), of the laws of 1874, and all other acts or parts of acts inconsistent and conflicting with the provisions of this act are hereby repealed; but the repeal of said acts or parts of acts shall not in any manner affect, injure or invalidate any contract, act or suits, claims, penalty or demands that may have been entered into, performed, commenced, or that may exist under or by virtue or in pursuance of the said acts or any of them; but the same shall exist, and be in force and carried out, and be completed as fully and effectually, to all intents and purposes, as if this act had not been passed. Conflicting acts repealed. Repeal not to affect actions pending.

SECTION 19. This act is hereby declared a public act, and shall be liberally construed in all courts of this state.

SECTION 20. This act shall take effect and be in force from and after its passage.

Approved March 5, 1875.

CHAPTER 263.

[*Published March* 13, 1875]

AN ACT to amend chapter 38, of the general laws of 1872, entitled, "an act to amend chapter 170, of the general laws of 1867, entitled, an act to facilitate the recovery of judgments."

The people of the state of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section one of chapter thirty-eight (38) of the general laws of 1872, is hereby so amended so to read as follows: 'Section 1. Section 1 of chapter one hundred and seventy (170) of the general laws of 1867, is hereby so amended as to read as follows: Amended.

CHAPTER 265.

[*Published March* 12, 1873.]

AN ACT to amend section 1, of chapter 20, general laws of 1869, entitled an act to amend chapter 28, of the general laws of 1860, entitled, an act to enable foreign executors and administrators to sue in the state of Wisconsin. And to amend section 2, of chapter 28 of the general laws of 1860.

The people of the state of Wisconsin, represented in Senate and Assembly, do enact as follows:

Amended.

SECTION 1. Section one, of said chapter twenty (20) of the general laws of Wisconsin for the year A. D. 1869, is hereby amended to be and read as follows: Section 1. When an executor or administrator shall be appointed in any other state, territory or foreign country on the estate of any person, not a resident of this state at the time of his or her decease, or a guardian shall be appointed in such other state, territory or country, for any person a resident thereof at the time of such appointment, and no executor, administrator or guardian shall have been appointed in this state on such estate, or for such person, such foreign executor, administrator or guardian, upon filing a certified or authenticated copy of his or her appointment, or the original appointment in the county court of any county in the state, shall be empowered or entitled to commence and prosecute all necessary actions, in any of the courts of this state to recover or collect any claim or demand due to such estate or ward, from any person, company or corporation in this state, for the recovery of any real or personal property or for the conversion thereof, belonging to such estate or ward, to foreclose any mortgage or bond, land contract which may belong to such estate or ward, in which said estate or ward may have an interest, upon or in any real estate in the state of Wisconsin, and to bring and prosecute such action or actions in any of the courts of this state as may be necessary to assert and enforce the claims or rights of such estate or ward to any property or interest therein, in the state of Wisconsin, or to subject any property in this state to the payment of any claim or debts due to such estate or ward which is liable in payment of the same, and shall be entitled and authorized to bring and prosecute to judgment and enforcement in any of the courts of this state any action or

Non-resident executors or administrator of estate of non-resident, or non-resident guardian of non resident person when no administrator or guardian appointed in this state, may bring actions, prosecute claims, etc.

actions, as he or she would be entitled to bring if appointed such executor, administrator or guardian by any court in this state; *provided*, that in any such action such executor, administrator or guardian shall be required to give security for costs, the same as required by law in case of a non-resident plaintiff.

Provise.

SECTION 2. Section two, of said chapter twenty-eight (28), of the general laws of Wisconsin for the year A. D. 1860, is hereby amended to be and read as follows: Section two. Such foreign executor, administrator or guardian shall allege in the complaint the filing of such certificate or authenticated copy, stating the county by name wherein filed, and such allegation shall be taken to be true; and no proof of such allegation shall be required unless the defendant, by affidavit, or by an allegation in his answer verified, deny positively such allegation. The denial must be positive; if the denial be by affidavit, it must be served upon the opposite party before the time to answer elapses.

Amended.

Allegation of filing of certificate to be made in complaint and to be taken without proof unless denied.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 5, 1875.

CHAPTER 266.

[*Published March* 19, 1875.]

AN ACT to amend chapter 157, of the general laws of 1872, entitled "an act to revive and restore section six (6), of chapter 61, of the revised statutes."

The people of the state of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. That section one, of chapter one hundred and fifty-seven, of the general laws of 1872, be amended by adding to said section one (1), the following words: *provided*, that the said act hereby revived shall not apply or have any force or application to any action now pending in any court of this state wherein an issue of fact had been joined before the passage of said chapter one hundred and fifty-seven of the general laws of 1872, so that said section as amended will read as follows: That section six, of chapter sixty-one, of the revised statutes be, and the

Amended.

Act revived not to apply to actions pending

same is hereby, revived, restored and re-enacted, and declared to be in full force and effect; *provided*, that the said act hereby revived shall not apply or have any force or application to any action now pending in any court in this state, wherein an issue of fact had been joined before the passage of said chapter one hundred and fifty-seven of the general laws of 1872.

Conflicting acts repealed.

SECTION 2. All acts and parts of acts, contravening the provisions of this act, are hereby repealed.

SECTION 3. This act shall take effect and be in force from and after its passage.

Approved March 5, 1875.

CHAPTER 267.

[*Published March* 19, 1875.]

AN ACT to amend sections ten and eleven, of chapter eight, of the Revised Statutes, entitled, "of the elections of representatives in congress, of electors of president and vice-president and senators in congress."

The people of the state of Wisconsin, represented in Senate and Assembly, do enact as follows:

Amended.

SECTION 1. Section ten (10), of chapter eight (8), of the Revised Statutes of this state, entitled, "of the election of representatives in congress, electors of president and vice-president, and senators in congress," is hereby amended so that said section shall read as follows: "Section 10. The president of the senate and speaker of the house shall cause duplicate statements of the result of such election to be made under their hands, certifying who has been chosen such senator, one of which certified statements shall be delivered to the governor and filed and recorded in the executive office, and the other shall be delivered to the secretary of state, who shall file and record the same in his office."

Duplicate statements of result of election to be made With whom deposited.

Amended.

SECTION 2. Section eleven (11) of said chapter eight (8) of the Revised Statutes, is hereby amended so that said section shall read as follows: "Section 11. Immediately thereafter the governor shall certify the election of such senator, under the seal of the state, to the president of the senate of the United

Governor shall certify election of senator.

States, and the secretary of state shall also, immediately thereafter, make a certificate under the seal of this state, and attested by him as secretary, certifying to such choice, and deliver the same to the person so chosen senator.

Secretary of state to certify his election to person chosen.

SECTION 3. This act shall take effect and be in force from and after its passage and publication, and all acts and parts of acts inconsistent herewith, are hereby repealed.

Approved March 4, 1875.

CHAPTER 268.

[*Published March* 13, 1875.]

AN ACT to amend an act entitled "an act to provide for the incorporation of villages."

The people of the state of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section three, of chapter forty-four, of the revised statutes, is hereby amended by inserting in the fourth line thereof, between the words "town" and "or" the word "village" so that said section when amended shall read as follows: Any mortgage of personal property, one copy thereof may be filed in the office of the clerk of any town, village or city where the mortgager executing the same resides, or in case he is a non-resident of the state, then in the office of the clerk of the town, village or city where the property mortgaged may be at the time of executing said mortgage; and such clerk shall endorse on such instrument or copy the time of receiving the same, and shall keep the same in his office for the inspection of all persons. Mortgages so filed shall be as valid and binding upon all persons as if the property thereby mortgaged had immediately upon the execution of such mortgage been delivered to and the possession thereof retained by the mortgagee.

Amended.

Chattel mortgages—where and how to be filed.

SECTION 2. The village clerk shall perform the same duties and be entitled to the same fees as the clerks of the several towns in like cases.

Duties and fees of village clerk.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Appproved March 4, 1875.

CHAPTER 269.

AN ACT to amend section 6, of chapter 323, laws of 1874, an act for the relief of S. D. Carpenter.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Amended.

No sum to be paid until award is ratified by legislature.

Actions may be brought upon failure of legislature to ratify award.

SECTION 1. Section six (6), of chapter three hundred and twenty-three (323), laws of 1874, entitled, "an act for the relief of S. D. Carpenter," is hereby amended so as to read as follows: Section six (6). It is hereby expressly declared by this act, that no sum shall be paid to the said assignee until the next legislature shall ratify the award or finding, if any, of the same accountant and commissioners of public printing as herein provided. Nothing in this section contained shall be construed to prevent the recovery of what may be found to be justly and equitably due said claimant according to the principles of this act, in case such legislature shall neglect or refuse to ratify the award of such accountant and commissioners, an action thereon may be brought by said claimant to recover the same.

SECTION 2. This act shall take effect and be in force from and after its passage.

Approved March 5, 1875.

CHAPTER 270.

[*Published March* 13, 1875.]

AN ACT to protect public libraries and the libraries of literary, scientific, historical, and library associations and societies.

The people of the state of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. Any person who shall wilfully, mali-

ciously, or wantonly tear, deface or mutilate, or by other means injure any book, pamphlet, map, chart, painting or picture, belonging to any public library, or to any library, the property of any library, scientific, historical or library society or association, whether incorporated or unincorporated, shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punished by a fine of not less than five dollars nor more than one hundred dollars, or by imprisonment in the county jail not less than ten nor more than sixty days, in the discretion of the court; and all justices of the peace in their respective counties shall have jurisdiction to hear, try and determine all prosecutions under this act.

Penalty for mutilating library property.

SECTION 2. Any person who shall procure or take in any way whatever from the library of any public library, or library of any literary, scientific, historical or library society or association whatever, incorporated or not, any book, pamphlet, map, chart, painting or picture, with intent to convert the same to his own use, or who shall convert the same to his own use, with intent to defraud the owner thereof, shall be punished by a fine of not less than ten, nor more than one hundred dollars, or, in the discretion of the courts, by imprisonment in the county jail for not more than three months.

Penalty for taking property belonging to library.

SECTION 3. It shall be the duty of every librarian, board of trustees, directors, or other officers or persons having charge or control of any such library as is mentioned in this act, to post up in one or more conspicuous place in the room or rooms where the same shall be kept, a printed copy of this act.

Duty of certain officers to post copies of this act.

SECTION 4. This act shall take effect and be in force from and after its passage and publication.

Approved March 5, 1875.

CHAPTER 271.

[*Published March* 24, 1875.]

AN ACT for the preservation of fish in lakes Winnebago, Butte des Morts, Winneconne, Poygun and little lake Butte des Morts, and in the waters of Fox river, between little lake Butte des Morts and the mouth of Wolf river.

The people of the state of Wisconsin, represented in Senate and Assembly, do enact as follows:

Unlawful to use certain devices for taking fish.

SECTION 1. No person shall set or fish with any trap, net, pound-net or seine or wire, in or with any trap, net, pound-net, seine or wire, catch or take any fish in or from any of the waters of lakes Winnebago, Butte des Morts, Winneconne, Poygun and little lake Butte des Morts, nor in any of the waters of Fox river between little lake Butte des Morts, the mouth of the Wolf river and lake Winneconne.

Penalty for violation.

SECTION 2. Any person who shall violate any provisions of any section of this act, shall, upon conviction, forfeit and pay for each and every such offense, a penalty of one hundred dollars ($100) and costs of prosecution, and any person convicted under the provisions of this act, who shall neglect for twenty-four hours to pay the fine imposed, together with the costs, shall be committed to the common jail of the proper county, there to remain until such fine and costs are paid, or until he shall be discharged by due course of law. Said penalty shall be recovered in an action in the name of the state of Wisconsin, before a justice of the peace having jurisdiction over the place where the offense is committed, and when collected one-half of such penalty shall be paid to the person making complaint, and the remainder of said penalty shall be paid to the county treasurer as provided by law; *provided*, this act shall not be construed to include any Indians not civilized, who may reside within the limits of this state.

SECTION 3. This act shall take effect and be in force from and after its passage.

Approved March 5, 1875.

CHAPTER 272.

[*Published March* 25, 1875.]

AN ACT to improve a certain street in the third and tenth [seventh] wards of the city of Milwaukee.

The people of the state of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. The board of public works of the city of Milwaukee are hereby authorized and empowered to cause to be paved, with a wooden-block pavement, Wisconsin street, in the third and seventh wards of the city of Milwaukee, from Milwaukee river to lake Michigan. The work hereby authorized to be done shall be assessed and payable as follows: All street and alley crossings by the ward funds of the third and seventh wards in equal proportions; and in front of the property not heretofore paved by the lots, parts of lots and parcels of land in front of which the work is done, and all repairing, by the ward funds of the third and seventh wards in equal proportions.

Board of public works to cause improvements on Wisconsin street.

How expenses to be paid.

SECTION 2. No petition from owners of property or resolution of the common council of the city of Milwaukee shall be required for doing of the work provided for in this act. Said work is to be finished by the 15th day of November, 1875, and shall be let by contract, within sixty days after the passage of this act, to the lowest bidder: *provided, however*, that the board of public works may reject any bid that may not offer undoubted evidence to them of the ability and means of the person bidding, to execute the work properly within the time set forth in this act. Such contract when entered upon shall require the contractor to receive as payment certificates against the lots fronting on the street hereby authorized to be newly paved, for the amount of the cost of the work in front of said lots, and the residue of such contract shall be paid in city orders, chargeable to the ward funds of the third and seventh wards for the year 1875, in equal parts.

No petiton or resolution required.

When work to be finished.

Requirement of contract.

SECTION 3. All provisions of the city charter in relation to certificates to be issued by the board of public works against lots, parts of lots and parcels of land in the city of Milwaukee, shall apply to all certificates to be issued under this act, and shall have the same force and validity. Such certificates shall

Provisions of city charter in relation to certificates issued.

draw interest at the rate of twenty-five per cent. per annum upon all amounts named in the same, and shall be liens upon the lots or parts of lots against which the same shall be respectively chargeable from and after the time when such certificates shall be countersigned and registered by the city comptroller.

SECTION 4. This act shall take effect and be in force from and after its passage and publication.

Approved March 5, 1875.

CHAPTER 273.

[*Published March 23, 1875*]

AN ACT to punish and provide against the abuse of dumb animals.

The people of the state of Wisconsin, represented in Senate and Assembly, do enact as follows:

Abuse of dumb animals declared a misdemeanor.

SECTION 1. Every person who shall, by his act or neglect kill, maim, wound, injure, torture or cruelly beat any horse, mule, ox cattle, sheep or other animal belonging to himself or another, shall, upon conviction, be adjudged guilty of a misdemeanor.

Disabled animals not to be turned loose.

SECTION 2. Every owner, driver or possessor of an old, maimed or diseased horse or mule, or other animal, turned loose or left disabled in any street, lane or other public place for more than three hours after knowledge of such disability, shall, on conviction, be adjudged guilty of a misdemeanor.

Unlawful to override, overwork, etc.

SECTION 3. If any person shall overdrive, overwork, overload, torture, torment, deprive of necessary sustenance or unnecessarily or cruelly beat, or needlessly mutilate or kill, or cause or procure to be overdriven, overworked, overloaded, tortured, tormented or deprived of necessary sustenance, or to be unnecessarily or cruelly beaten, or needlessly mutilated or killed, as aforesaid, any living creature, every such offender shall, for every such offense, be guilty of a misdemeanor.

Unlawful to keep cock pits, etc.

SECTION 4. Any person who shall keep or use, or in any way be connected with, or interested in the management of, or shall receive money for the admission of any person to any place kept or used for the purpose of fighting or baiting bull, bear, dog, cock, or

other creature, and every person who shall encourage, aid, or assist therein, or who shall permit or suffer any place to be so kept or used, shall, upon conviction thereof, be adjudged guilty of a misdemeanor.

Duty of persons impounding or confining animals to supply food and water.

SECTION 5. Any person who shall impound or confine, or cause to be impounded or confined in any pound, any creature, shall supply to the same during such confinement a sufficient quantity of good and wholesome food and water, and in default thereof shall, upon conviction be adjudged guilty of a misdemeanor.

Lawful for other persons to supply food and water to animals impounded.

SECTION 6. In case any creature shall be at any time impounded or confined as aforesaid, and shall continue to be without necessary food and water for more than twelve successive hours, it shall be lawful for any person, from time to time, and as often as it shall be necessary, to enter with [into] and upon any pound in which any such creature shall be so confined, and to supply it with necessary food and water so long as it shall remain so confined; such person shall not be liable to any action for such entry, and the reasonable cost of such food and water may be collected by him of the owner of such creature, and the said creature shall not be exempt from levy and sale upon execution issued upon a judgment therefor.

Expense to be collected of owner of animals.

Unlawful to convey any creature in a cruel manner.

SECTION 7. If any person shall carry or cause to be carried in or upon any vehicle or otherwise any creature, in a cruel or inhuman manner, by tying its legs or wings, or by packing or crowding such creature, or causing the same to be tied, packed or crowded as aforesaid, he shall be guilty of a misdemeanor, and when he shall be taken into custody therefor by any officer, such officer may take charge of such vehicle and its contents, and deposit the same in some safe place of custody, and any necessary expenses which may be incurred for taking charge of and keeping and sustaining the same, shall be a lien thereon, to be paid before the same can lawfully be recovered, or the said expenses or any part thereof remaining unpaid may be recovered by the person incurring the same, of the owner of said creature in any action therefor.

When arresting offender, officers may take vehicle in charge and expenses shall be lien upon same.

Persons using dogs for drawing vehicles to take out license.

SECTION 8. Every person who shall hereafter use any dog or dogs for the purpose of drawing or helping to draw any cart, carriage, truck, barrow or other vehicle, in any city or incorporated village, for business purposes, shall be required to take out a license for that purpose from the mayor or president thereof,

respectively, and shall have the number of said license and the residence of the owner distinctly painted thereon, and for each violation of the section shall forfeit and pay a fine of one dollar for the first offense, and a fine of ten dollars for each subsequent offense.

Penalty for violation.

Unlawful to turn at large sick or maimed animals.

SECTION 9. If any mained, sick, infirm, or disabled creature shall be abandoned to die by any person, in any public place or elsewhere, such person shall be guilty of a misdemeanor, and it shall be lawful for any magistrate or chief of police in this state to appoint suitable persons to destroy such creature, if unfit for further use.

Unlawful to run horses attached to vehicles on highways.

SECTION 10. No person driving any carriage upon any turnpike, road or public highway within this state, with or without passengers therein, shall run his horses or cause or permit the same to be run upon any occasion or for any purpose whatever; and every person who shall offend against the provisions of this section shall be deemed guilty of a misdemeanor, and on conviction shall be fined not exceeding one hundred dollars or imprisonment not exceeding sixty days, at the discretion of the court.

Penalty for violation.

Definition of term "carriage."

SECTION 11. The term "carriage," as used in this title, shall be construed to include stage coaches, wagons, carts, sleighs, sleds, and every other carriage or vehicle used for the transportation of persons and of goods, or either of them.

SECTION 12. All acts and parts of acts conflicting with the provisions of this act are hereby repealed.

SECTION 13. This act shall take effect from and after its passage and publication.

Approved March 5, 1875.

CHAPTER 274.

[*Published March* 25, 1875.]

AN ACT to legalize certain acts of the Board of Supervisors of Door county.

The people of the state of Wisconsin, represented in Senate and Assembly, do enact as follows:

Acts of board legalized.

SECTION 1. All acts of the Board of Supervisors of

the county of Door, in the year 1873, relating to the granting of a charter to run a steam ferry across the waters of Sturgeon Bay, in said county, for the term of ten years, are hereby legalized and declared valid and binding.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 4, 1875.

CHAPTER 275.

[*Published March 24, 1875.*]

AN ACT to legalize the official acts of A. S. Morton and D. S. Hurd.

The people of the state of Wisconsin, represented in Senate and Assembly, do enact as follows:

Acts of town supervisors in vacating highway legalized.

SECTION 1. The official acts of A. S. Morton and D. S. Hurd, town supervisors of the town of Montrose, in Dane county, in vacating a portion of a state road in said county, by an order made by them as such supervisors on the 29th day of October, A. D. 1867, are hereby declared legal and valid and the portion of said state road therein described is hereby declared to have been by said order duly vacated in the same manner and to the same extent as though said supervisors had at the time of said order been duly authorized and empowered by law to vacate the same and had proceeded regularly and in accordance with law in vacating the same; and all indictments, informations and prosecutions against said town or the officers thereof for failing to keep said highway so vacated in repair or open for public use, or bridges [bridged], instituted on the part of the state of Wisconsin are hereby abated and discontinued, and this act may be pleaded by said town and its officers as a valid and sufficient defense thereto.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 5, 1875.

CHAPTER 276.

[*Published March* 25, 1875.]

AN ACT to fix the fees of the register of deeds of the county of Milwaukee, for the registration of marriages, births and deaths.

The people of the state of Wisconsin, represented in Senate and Assembly, do enact as follows:

Fees of register of deeds of Milwaukee county.

SECTION 1. The register of deeds of the county of Milwaukee, provided he complies with the provisions of chapter 110 of the revised statutes, shall receive for registering any marriage, birth, or death, the fees now allowed by law, except for registering any marriage contracted, or birth or death happening previously to the year one thousand eight hundred and fifty-two, in which case he shall receive twenty-five cents, to be paid by the party. The said sum of ten cents for registering any marriage, birth, or death, as aforesaid, shall be paid the said register of deeds by presentation by him of an account for the same to the county board of supervisors of Milwaukee county, duly itemized and verified as required by chapter 13, of the revised statutes, in relation to all accounts presented to county boards of supervisors and allowance of the same by said board, subject to the right of appeal if such account shall be disallowed in whole or in part by said board of supervisors of said county as provided by law in relation to the accounts presented to such board.

SECTION 2. All acts and parts of acts so far as they conflict with the provisions of this act, are hereby repealed.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved March 5, 1875.

CHAPTER 277.

[*Published March* 23, 1875.]

AN ACT to authorize the city of La Crosse to condemn lands for municipal purposes.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Acquirements of lands for municipal purposes.

SECTION 1. In case the common council of the said city of La Crosse shall at any time, by resolution duly passed, determine that it is necessary to take and appropriate certain lands or real estate, within the corporate limits of said city for municipal purposes, and more especially for the purpose of laying out, establishing, and maintaining within said city a public market place or places, the said city of La Crosse shall have the right to acquire title to such lands or real estate in the manner and by the special proceedings prescribed in this act.

How lands may be acquired-petition for appointment of jury to view lands.

SECTION 2. For the purpose of acquiring such title the said city of La Crosse, after the passage of said resolution as aforesaid, shall file within thirty days thereafter, a petition with the clerk of the circuit court for said La Crosse county, praying for the appointment by said circuit court or the judge thereof, of twelve jurors to view the lands or real estate proposed to be taken and appropriated by said city for the purposes aforesaid, and to determine whether it will be necessary to take the same for such purposes. It must contain a particular description of the lands or real estate to be taken, the names of the parties who are in possession of, or who own, or have, or claim to own or have estate or interest of record in the said lands or real estate, and if any of said parties are infants, idiots or persons of unsound mind, or unknown, or non-residents of the state, that fact must be stated. It must also state the specific purposes for which the lands or real estate are to be taken and appropriated, and have annexed thereto a duly certified copy of the resolution of the common council above referred to. A notice stating briefly the objects of the petition and containing a several description of the lands or real estate proposed to be taken, and stating the time and place when and where the same will be presented to the said court or judge, shall be served on each and every person named

Notice to be served on owners of lands.

therein as owner, or having or claiming to own or have any estate or interest in such lands or real estate, at least ten days previous to the time of presenting such petition. Such service shall be made by delivering a copy of such notice to each of the persons named therein, if a resident of this state, or in case of the absence of such person, by leaving a copy of such notice at his or her usual place of abode, with some person of suitable age of discretion then resident therein. In case of domestic corporation such service may be made upon the president, secretary, or any director or trustee of such corporation; in case of minors, on their guardians, or in case no guardian shall have been appointed, then on the person who has the care and custody of such minor; in case of idiots, lunatics or distracted persons, or persons of unsound mind, on their guardians or committee, or in case no guardian or committee shall have been appointed, then on the person in whose care or charge they are bound; in case of *feme covert* on the husband as well as the *feme covert*. In all cases where the owner or person claiming an interest in such lands or real estate is unknown, or is a non-resident, service of such notice may be made by the publication thereof in any newspaper published in the said city of La Crosse, once a week for two successive weeks.

In case lands to be taken belong to corporation, infant, person of unsound mind, or feme covert.

How notice served on non-resident.

Owners of land may show cause against granting petition.

SECTION 3. On presenting such petition to said court or judge, with proof of the publication on service of said notice, all or any of the persons whose estate or interest are to be affected by the proceedings, may show cause against granting the passage of the petition, and make objections to the appointment of any juror proposed to be appointed by said court or judge, stating the grounds of objections. The court or judge shall hear the parties interested, and if no sufficient cause is shown against granting the prayer of the petition, said court or judge shall appoint twelve reputable freeholders residents of the said county of La Crosse, but not in any manner interested in the result of such petition. The said court or judge shall thereupon issue a precept, directed to said jurors, requiring them to view the lands or real estate described in said petition, and to make return under their hands to the said court or judge whether in their judgment it is necessary to take for the purpose specified in said petition, and said court or judge, shall at the same time fix the time and place

Court to appoint jurors and issue precept.

of the first meeting of said jurors and limit the time within which their report shall be made.

In case of disqualification of jurors.

SECTION 4. If any of the jurors so appointed, shall be disqualified from acting, or shall refuse to act, the court or judge shall appoint others in their places, and a memorandum of such substitution shall be endorsed on the precept.

Jurors to take oath, and hear testimony.

SECTION 5. The jurors so appointed shall, before entering upon their duties, take and subcribe the oath prescribed by the twenty-eighth section of the fourth article of the constitution of this state. The jurors shall proceed in a body to view the premises described in the petition, and for their own information, as to the value of the premises to be taken, or the necessity of taking the same, said jury, or any one of their number, may apply to the clerk of said circuit court to subpœna such witnesses as they may desire to appear before said jury, and testify as to the facts in the case. Said jury shall hear such testimony as may be offered by any party interested, which testimony shall be reduced to writing by one of the jurors. The necessary oaths to witnesses shall be administered by some justice of the peace of said La Crosse county.

Jurors to make report in writing.

SECTION 6. After viewing the premises and hearing such testimony as may be offered, the jurors shall make a report of their proceedings in writing, which shall be signed by them respectively, and which shall state whether, in their judgment, it will be necessary to take the premises in question for the purpose specified in the petition. Said report, together with said testimony and precept, shall be returned to said court or judge.

In case jury report it necessary to take lands.

SECTION 7. Should the jurors report that it is necessary to take such premises, the court or judge shall make an order confirming the whole of said report or any part thereof, and discharging said jurors.

Court to appoint commissioners.

SECTION 8. Upon the confirmation of said report said court or judge shall make an order appointing three disinterested and competent freeholders of the said county of La Crosse, as commissioners, to ascertain and determine the compensation to be made to the owners or persons interested in the lands or real estate to be taken and appropriated, and fixing the time and place of the first meeting of the commissioners.

Commissioners to hear allegations of

SECTION 9. The commissioners so appointed, shall, before entering on their duties, take and subscribe

parties, and appraise value of property to be taken.

the oath prescribed in the twenty-eighth section of the fourth article of the constitution of this state. The commissioners shall view the premises described in the petition, and hear the allegations of the parties, and shall appraise, ascertain, and determine the value of each tract or parcel of land proposed to be taken with the improvements thereon, and of each separate estate therein, and the damages sustained by the owner or person interested by reason of the taking thereof, and fix the amount of compensation to be made to such owner or person interested. A majority of the commissioners, all being present, shall be competent to determine all matters before them. The commissioners shall, within thirty days after viewing any of the lands so taken, make and file in the office of the clerk of said circuit court a report of their proceedings concerning such lands or real estate, setting forth the award made for each tract or parcel thereof, or separate therein, to the owner or owners thereof, or persons interested therein. The commissioners shall be entitled to such compensation as the said court or judge may direct, which shall be paid by said city. A majority of the commissioners may adjourn the proceedings before them from time to time in their discretion.

Commissioners to file report.

Right of appeal to circuit court.

SECTION 10. Within thirty days after the filing of the report of the commissioners in the office of the clerk of said circuit court, any party may appeal to the said circuit court from any award made by the commissioners, by filing in the office of said clerk and in the office of the city clerk of said city, a written notice of appeal. Upon filing such notice as aforesaid, the appeal shall be considered an action pending in court, subject to a change of the place of trial, and appeal to the supreme court, as other actions, and shall be entered upon the records of said court by the clerk thereof. Such appeal shall be tried by jury, unless a trial by jury is waived by both parties. Costs shall be allowed to the successful party on such appeal.

Report of commissioners to be recorded.

SECTION 11. The report of the commissioners shall be recorded by the clerk of said court, in the judgment book of said court, and at any time after the filing of the same, the said city of La Crosse may pay to the owner or owners, or persons interested in the lands to be taken, or to the clerk of said court for the use of such owner or owners or persons interested, the amounts awarded by the commissioners, and

thereupon may enter upon, take and use the lands or real estate for the purposes for which it was condemned, and a writ of assistance may be issued to put the said city in possession of the same; *provided*, that no such writ shall be issued before the time for appeals from an award has expired, nor after an appeal shall have been taken, without notice to the adverse party, and giving such security for the payment of any verdict which may be rendered on such appeal as the court may require. If any defect of title to or encumbrances upon any parcel of the premises shall be suggested in said petition, or if any party to said proceeding or any person not a party shall petition the said court, setting up a claim, adverse to the title set out in said petition to said premises, and to the money, or any part of it to be paid as compensation for the property so taken, the court shall hear and determine the rights of the parties to said money and for that purpose may order a reference or an issue to be tried by a jury. Either party may except to the decision of the court, and appeal to the supreme court in like manner as in actions. Either court may award cost to the prevailing party and render judgment therefor against the other party.

Lands to be possessed by city.

In case of defect of title or encumbrance.

Right of appeal to supreme court.

SECTION 12. When no appeal shall be taken from any award within the time provided by law, and the said city shall have paid the amount thereof into court, or filed a receipt therefor, duly signed by the owner, in the office of the clerk of the said circuit court for La Crosse county, or when, after the determination of such an appeal, the said city shall have paid into court the amount of the judgment rendered therefor, or filed a receipt therefor as aforesaid, the clerk of said circuit court shall make a minute of such payment or of the filing of such receipt, at the foot of the record of the report of such commissioners, in the judgment book of said court, and thereupon the exclusive use of said premises, and every part and parcel thereof shall rest in said city without any other or further act, deed or conveyance, and said record or a certified copy thereof shall be *prima facie* evidence of such title in all courts and places.

When property shall become vested in city.

SECTION 13. The said circuit court or the judge thereof, shall have power, at any time, to annul any defect or informality in any of the special proceedings authorized by this act as may be necessary, or to cause new parties to be added, and to direct such fur-

Power of court to amend defect in proceedings.

ther notice to be given to any party in interest, as may be proper, and also to appoint other commissioners in the place of any who shall die or refuse or neglect to serve or be incapable of serving.

SECTION 14. This act shall take effect and be in force from and after its passage.

Approved March 4, 1875.

CHAPTER 278.

[*Published March* 15, 1875.]

AN ACT to exempt the Wisconsin Valley railroad company from the payment of the license fee required by law, for the term of three years.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Exempted from payment of license fees.

SECTION 1. The Wisconsin Valley railroad company is hereby exempted from the payment of the license fees required by law, for the term of three years.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 5, 1875.

CHAPTER 279.

AN ACT to appropriate a sum of money therein named to pay for legislative manuals.

The people of the state of Wisconsin, represented in Senate and Assembly, do enact as follows:

Appropriation.

SECTION 1. There is hereby appropriated the sum of two thousand dollars from any money in the treasury not otherwise appropriated, to pay for one thousand copies of the legislative manual ordered by resolution of the legislature at its present session.

SECTION 2. This act shall take effect and be in force from and after its passage.

Approved March 4, 1875.

CHAPTER 280.

[*Published March* 18, 1875.]

AN ACT to restore sections one (1), two (2), three (3), and seven (7), of chapter seventy-nine (79), of the revised statutes of 1858.

The people of the state of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. That sections one (1), two (2), three (3), four (4), five (5) and seven (7), of chapter seventy-nine (79), of the revised statutes be and the same are hereby revived, restored and re-enacted and declared to be in full force and effect; subject, however, to the provisions of section three (3), of chapetr 341, of the laws of 1874, entitled an act "in relation to railroads." Act restored.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 5, 1875.

CHAPTER 281.

[*Published March* 23, 1875.]

AN ACT to provide for notice to occupants of lands mortgaged to the state, of the sale thereof, and for the redemption of lands sold on such sales in certain cases.

The people of the state of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. In all cases of the sale of lands mortgaged to the state, which at the time of such sale are actually occupied by or in the possession of any one, it shall be the duty of the purchaser at such sale to deliver a notice in writing of the fact of such sale, and the date thereof, and the price for which such land, describing the same, has been sold to such occupant or person in possession, and shall file a copy of such notice, with proof of service of the same, as required by this act, in the office of the commissioners of the state lands, and the owner, occupant or person otherwise having an interest in the lands so sold, shall have a right to and may redeem Duty of purchaser of mortgaged state land to give notice of sale to occupant. Right of owner or occupant to redeem.

the same from such sale at any time within six months after such notice by paying the sum for which such land was so sold, and all costs and penalties for or on account of non-payment of the moneys for which it was so sold, with interest to the time of such payment to the state treasurer, and all sums so paid after satisfying the sum due the state and for interest and penalty thereon and costs and charges shall be returned or paid to the parties entitled thereto according to their interest in said lands, and the title of the purchaser of any such lands shall not become absolute until the time for such redemption shall have expired.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 5, 1875.

CHAPTER 282.

[*Published March* 25, 1875.]

AN ACT to legalize the proceedings of the commissioners and surveyors in laying out a state road from the village of Ashland to the city of Eau Claire.

The people of the state of Wisconsin, represented in Senate and Assembly, do enact as follows:

Acts legalized.

SECTION 1. The proceedings of the commissioners and surveyors, appointed by virtue of chapter one hundred and thirty-six (136), of the private and local laws of 1872, as amended by chapter fifty-four (54), of the laws of 1873, in laying out a state road from the village of Ashland, in the county of Ashland, through the counties of Ashland, Bayfield, Chippewa and Eau Claire, to the city of Eau Claire, are hereby legalized and declared to be valid and effectual for all purposes whatever, notwithstanding all the requirements of law may not have been complied with in laying out, locating and establishing said road: *provided*, that this act shall not interfere or affect any suits now in the courts brought by the commissioners against Chippewa county.

SECTION 2. This act shall take effect and be in force from and after its passage.

Approved March 5, 1875.

CHAPTER 283.

AN ACT to repeal chapter three hundred and sixty-six of the private and local laws of the year 1869, entitled, "An act to authorize E. C. Clark to keep and maintain ferries across the bays of Superior and St. Louis and the St. Louis River," approved March ninth, 1869.

The people of the state of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. Chapter three hundred and sixty-six, of the private and local laws of the year 1869, entitled "An act to authorize E. C. Clark to keep and maintain ferries across the bays of Superior and St. Louis, and the St. Louis river," approved March ninth, 1869, is hereby repealed. Repealed.

SECTION 2. This act shall take effect and be in force from and after its passage.

Approved MARCH 5, 1875.

CHAPTER 284.

[*Published March* 23, 1875.]

AN ACT in relation to the duties and fees of registers of deeds and other county officers in certain cases.

The people of the state of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. The register of deeds of each county in this state shall be entitled to ten cents for each folio for entering and recording any deed or other instrument, to be paid when the same is left for record; *provided*, that in no case shall the fees of any such register be less than fifty cents for recording any deed, or less than seventy-five cents for recording any mortgage; *provided*, that whenever the receipts of fees by any register of deeds is less than three hundred dollars per annum, the county board of supervisors shall have the right to vote a salary to said register of deeds not exceeding two hundred dollars. Fees of registers of deeds. Proviso.

SECTION 2. Whenever any book or public record in any public office of any county shall have become dilapidated and in danger of being destroyed or rendered illegible by use, the board of supervisors of the Provisions for copying and restoring dilapidated books and records.

county shall, by resolution, if in their opinion it is deemed necessary, order such book or record, or any part thereof to be transcribed by the officer having charge of the same. Such officer shall thereupon procure at the expense of said county suitable book or books for that purpose, and accurately transcribe the same. He shall carefully compare the copy so made with the original, and shall certify thereon that he has carefully compared said copy with such original, and that said copy is a correct transcript from such original and of the whole thereof, and that the same has been so transcribed by him pursuant to the resolution of the board of supervisors of the said county, specifying in the certificate the date of the passage of such resolution.

Copy to have same effect as original.

SECTION 3. The copy so made shall have the same effect as the original, and be evidence in all cases where such original would be evidence and shall be in its legal effect in all respects considered as an original record in such office.

Fees for transcribing books and records.

SECTION 4. The officer transcribing any such book or record, and all characters representing words shall be counted as words, shall receive therefor ten cents per folio, to be paid by the county; *provided, however*, that if the book or record so transcribed, or any part thereof consists of printed forms, with blanks filled in writing of which the copy is made upon similar printed blank forms, the fees for transcribing the same shall be five cents per folio.

SECTION 5. All laws in conflict with the provisions if this act are hereby repealed.

SECTION 9. This act shall take effect and be in force from and after its passage and publication.

Approved March 5, 1875.

CHAPTER 285.

[*Published March* 23, 1875.]

AN ACT relating to division fences, and amendatory of chapter 17, of the revised statutes, entitled, "Of fences and fence viewers; of pounds and impounding of cattle, and of the acts amendatory thereof."

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. Chapter seventeen (17), of the Revised Statutes, entitled, "Of fences and fence-owners [viewers]; of pounds and the impounding of cattle, and the acts amendatory thereto," is hereby amended so as to read as follows: Section twenty-five (25). The provisions of this chapter and of the acts amendatory thereto, shall extend to and include all out-lots occupied and used for agricultural purposes, and embraced in the plat of any incorporated city or village within this state, and the aldermen of the respective wards of such city, and the trustees of any such village, are hereby empowered, and it is hereby made their duty, to discharge the duties imposed upon fence-viewers of the several towns, as provided by this chapter, in their respective wards and villages.

Amended.

Provisions of chapter extended to out-lots used for agricultural purposes.

Duties of trustees of villages.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 5, 1875.

CHAPTER 286.

[*Published March* 23, 1875.]

AN ACT relating to and amendatory of section one of chapter two hundred and sixty-seven of the laws of 1873, entitled, "An act to authorize town supervisors to lay out public highways in certain cases."

The people of the state of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section one (1), of chapter two hundred and sixty-seven (267), of the laws of Wisconsin of

Amended.

1873, entitled, "an act to authorize town supervisors to lay out public highways in certain cases," is hereby amended by striking out in the fourth (4), and fifth (5), lines of said section, the words "which is occupied by some person or persons living thereon."

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 5, 1875.

CHAPTER 287.

[*Published March 23, 1875.*]

AN ACT to authorize county boards of supervisors to alter the boundary lines of villages heretofore incorporated by special acts.

The people of the state of Wisconsin, represented in Senate and Assembly, do enact as follows:

Power of county boards to change boundaries of villages.

SECTION 1. The county boards of supervisors of the several counties of this state are hereby authorized and empowered, upon the application of a majority of the trustees of any village heretofore incorporated by special act of the legislature, to change the boundaries of such village fixed by the charter thereof.

Notice of time and place of hearing application to be given.

SECTION 2. Notice of the time and place of hearing such application shall have been published at least three weeks prior to the time of hearing such application, in a newspaper published in such county, and if there be no such newspaper published in said county, such notice shall be posted up at least twenty days in five (5) of the most conspicuous places in such village, and a copy of such notice shall also be served on the town clerk of any town which may be affected by such alteration, at least fifteen (15) days prior to such hearing, and no order shall be made by such county board changing the boundaries of such village until due proof be filed with the county clerk of such county that such notice has been given as hereinbefore provided.

Question of alteration to be submitted to voters at charter election.

SECTION 3. No such alteration shall take place without first submitting the question of such alteration to a vote of the legal voters of such village, to be taken at the annual charter election of such village, and if a majority of all the votes cast at such elec-

tion on that subject shall be in favor of such change, it shall be the duty of the president and clerk of such village to certify the same to the county clerk of their county, who shall thereupon enter of record such order of such county board of supervisors, together with such certificate, and transmit to the secretary of state a certificate [certified] statement of the boundaries of such village, the boundaries of which have been so altered.

Certified statement of boundaries to be submitted to secretary of state.

SECTION 4. This act shall take effect and be in force from and after its passage and publication.

Approved March 5, 1875.

CHAPTER 288.

[*Published March* 25, 1875.]

AN ACT to authorize Elam Greeley to keep and maintain a dam across Sand Creek, in Barron county.

The people of the state of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. Elam Greeley, his heirs and assigns, are hereby authorized to maintain and keep up a dam across Sand Creek, at a point on the east half of the southwest quarter of section number five, in township number thirty-six, north, of range number fourteen, west, in Barron county; *provided*, that such dam shall not raise the water to exceed fifteen feet.

Authority to maintain dam.

SECTION 2. The aforesaid person, his heirs and assigns, shall build suitable slides in said dam for running logs, timber and lumber over the same, and shall keep the same in repair. The same shall be kept open at all times when the creek is in a driving stage and there are logs, timber or lumber to run over said dam when it is not necessary to hold the water back for the purpose of driving or flooding logs, timber or lumber below the dam, for which purpose flood-gates shall be kept in repair and built in such manner as to be shut or opened, as the case may require, to flood the said logs, timber or lumber.

Incorporation to build slides and keep same open at certain times.

SECTION 3. The aforesaid person, his heirs and assigns, shall enjoy the privileges granted in this act for the term of fifteen years.

Term of grant.

Rates of toll.

SECTION 4. When the aforesaid Greeley, his heirs or assigns, shall have completed the said dam as aforesaid, the said Greeley, his heirs and assigns, are hereby authorized and empowered to receive and collect from the owners of all lumber, timber and logs passing over such slides, or driven by the aid of such dams, as a compensation for keeping up and maintaining such dam, the sum of twenty cents per thousand feet board measure, the amount thereof to be ascertained by scale on the landings in the woods above or below said dam, as the case may be; and the aforesaid Greeley, his heirs and assigns, shall have a lien on all logs, timber and lumber run over said dam, or driven by the aid thereof, until the charges aforesaid shall be fully paid, which lien may be enforced in the same manner as the lien of laborers on logs; *provided*, that the said Greeley, his heirs and assigns, shall at all times comply with the provisions of section two of this act.

Control of dam.

SECTION 5. The control of said dam, the slides and gates of the same, shall belong to the aforesaid Greeley, his heirs and assigns, but subject always to the provisions of section two of this act.

When gates of dam to be kept open.

SECTION 6. Nothing in this act shall be so construed as to give the party aforesaid, his heirs or assigns, any right to shut down the gates of said dam during the months of July, August and September, in each year, but the said dam and gates thereof shall remain open during said months, and the waters of the said Sand Creek shall flow free and unobstructed through said dam during the months aforesaid.

SECTION 7. This act shall take effect and be in force from and after its passage and publication.

Approved March 5, 1875.

CHAPTER 289.

[*Published March* 24, 1875.]

AN ACT to authorize the city of Milwaukee to refund the amount of a certain assessment.

The people of the state of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. The common council of the city of Milwaukee are hereby authorized to refund the whole or any portion of the amount of the assessment made by the board of public works in eighteen hundred and seventy-three (1873), against lots and parts of lots for a brick sewer on Pierce street in the eighth ward of said city, to any or all persons who have paid heretofore or may hereafter pay into the city treasury any amount for or on account of said assessment or tax; *provided*, that no amount shall be refunded to the owner of any lot which was not assessed prior to eighteen hundred and seventy-three (1873), for a brick sewer on said Pierce street.

Assessment refunded.

Proviso.

SECTION 2. Any sum so refunded shall be charged to the fund of the south sewerage district of said city.

How sum refunded to be charged.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved March 5, 1875.

CHAPTER 290.

[*Published March* 24, 1875.]

AN ACT to amend section one, of chapter fifty, of the general laws of 1859, entitled, "An act in relation to the payment of state tax in the counties of Douglas and LaPointe."

The people of the state of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section one of chapter fifty, of the general laws of 1859, entitled, "An act in relation to the payment of state tax in the counties of Douglas and LaPointe" is hereby amended by striking out the word LaPointe where the same occurs in said section, and by adding after the word Douglas, where it oc-

Amended.

Rates of toll.

SECTION 4. When the aforesaid Greeley, his heirs or assigns, shall have completed the said dam as aforesaid, the said Greeley, his heirs and assigns, are hereby authorized and empowered to receive and collect from the owners of all lumber, timber and logs passing over such slides, or driven by the aid of such dams, as a compensation for keeping up and maintaining such dam, the sum of twenty cents per thousand feet board measure, the amount thereof to be ascertained by scale on the landings in the woods above or below said dam, as the case may be; and the aforesaid Greeley, his heirs and assigns, shall have a lien on all logs, timber and lumber run over said dam, or driven by the aid thereof, until the charges aforesaid shall be fully paid, which lien may be enforced in the same manner as the lien of laborers on logs; *provided*, that the said Greeley, his heirs and assigns, shall at all times comply with the provisions of section two of this act.

Control of dam.

SECTION 5. The control of said dam, the slides and gates of the same, shall belong to the aforesaid Greeley, his heirs and assigns, but subject always to the provisions of section two of this act.

When gates of dam to be kept open.

SECTION 6. Nothing in this act shall be so construed as to give the party aforesaid, his heirs or assigns, any right to shut down the gates of said dam during the months of July, August and September, in each year, but the said dam and gates thereof shall remain open during said months, and the waters of the said Sand Creek shall flow free and unobstructed through said dam during the months aforesaid.

SECTION 7. This act shall take effect and be in force from and after its passage and publication.

Approved March 5, 1875.

CHAPTER 292.

[*Published March* 24, 1875.]

AN ACT to amend chapter 184, of the Revised Statutes, entitled "of inquests of the dead."

The people of the state of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. Chapter one hundred and eighty-four (184), of the Revised Statutes, is hereby amended as follows: In all cases where inquests are to be taken by virtue of said chapter, in the county of Sheboygan, the same shall be taken by the coroner of said county of Sheboygan, and said coroner shall perform all the duties of taking inquests in the county of Sheboygan defined in said chapter, and he is hereby invested with all the powers of a justice of the peace in taking such inquests as defined in said chapter, and shall have exclusive power to take such inquests in said county, except in cases of inability to attend to said duty, in which case the said duty may be performed by any justice of the peace of said county. Amended. Inquests to be taken by coroner.

SECTION 2. Said coroner shall be entitled to the same fee for said services as justices of the peace are by law entitled to in such cases. Fees of coroner.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved March 5, 1875.

CHAPTER 293.

AN ACT to amend section two, of chapter 215, of the private and local laws of 1870, entitled, "An act to amend section 2, of chapter 278, of the private and local laws of 1854, entitled, "An act to incorporate the Germantown Farmers' Mutual Insurance Company.'"

The people of the state of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. An act to amend section two (2), of chapter two hundred and fifteen (215), of the private and local laws of 1870, entitled, "An act to amend section two (2), of chapter two hundred and seventy-eight (278), of the private and local laws of eighteen Amended.

curs in the first line in said section, the words "Polk, Bayfield and Ashland" so that said section as amended will read as follows: Section 1. The counties of Douglas, Polk, Bayfield and Ashland shall not incur the penalty provided by law for non-payment of state taxes at the time required by law; *provided*, the said counties shall pay to the state Treasury the amount due from them, respectively, on or before the second Monday of July in each and every year.

Payment of state tax.

SECTION 2. This act shall take effect and be in force from and after its passage and publication thereof.

Approved March 5, 1875.

CHAPTER 291.

[*Published March 24, 1875.*]

AN ACT to amend section two, of chapter twenty-two of the general laws of 1871, an act entiltled, "An act to fix the terms of circuit and county courts in the county of Milwaukee.

The people of the state of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section two (2), of chapter twenty-two (22), of the general laws of 1871, is hereby amended so as to read as follows: The terms of the county court of Milwaukee county shall be held on the first Monday of February, the second Monday of March, the second Monday of May, the first Monday of June, the first Monday of September, the first Monday of November, and the first Monday of December. No jury shall be summoned for either of said terms, except for those appointed to be held on the second Monday of March and on the first Monday of June, September and December.

Terms of circuit court.

SECTION 2. All acts or parts of acts in conflict with the provisions of this act, are hereby repealed.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved March 5, 1875.

county or in any of the adjoining counties in this state.

SECTION 2. This act shall take effect and be in force from and after the passage and publication.

Approved March 5, 1875.

CHAPTER 295.

[*Published March 25, 1875.*]

AN ACT to amend chapter one hundred and eleven, private and local laws of 1867, relating to amending and consolidating the charter of the city of Hudson, St. Croix county.

The people of the state of Wisconsin, represented in Senate and Assembly, do enact as follows:

Amended.

SECTION 1. Chapter three, of an act entitled "an act to reduce the laws incorporating the city of Hudson, in the county of St. Croix, and state of Wisconsin, and the several acts amendatory thereto, into one act and to amend the same, approved March 18th, 1867," is hereby amended by adding thereto the following section, to-wit: Section 21. The justices of the peace of said city shall have the jurisdiction and powers vested in justices of the peace by the general laws of this state so far as the same are not inconsistent with the provisions of this act: *provided*, that in case of the absence from said city, or the inability from any cause of the police justice to act, the mayor of said city, by warrant, may authorize any justice of the peace within said city to perform the duties of said justice for the city, and it shall thereupon be the duty of the mayor to inform the city attorney and police of such substitution and make report thereof to the common council, and they may confirm or set aside such appointment, and appoint some other justice of the peace, who shall be notified of his appointment, by the city clerk, and the justice of the peace so appointed shall possess all the authority, powers and rights of said police justice until said police justice shall notify him in writing that he is in said city, and able to perform the duties of his office; *an provided further*, that whenever any of the said justices of the peace so appointed shall act as police justice of said city, he shall sign his

Jurisdiction of justices.

In case of disability of police justice, a justice of the peace to act in his place.

name to all papers, process, writs and proceedings whatever, with the addition, "justice of the peace acting as police justice," and such signing shall be *prima facie* evidence in all courts of the absence from said city or inability to act, of said police justice; *provided further*, that said justice of the peace while performing the duties of the police justice. shall have the possession of the docket of the police justice, and shall have the same power to issue execution upon all judgments upon said docket, and transcripts of said docket and judgments thereon, as said police justice has, and said executions and transcripts, when properly issued and signed by such justice of the peace while acting as police justice. shall have the same effect as though they had been issued and signed by the police justice.

Shall have possession of docket of police justice.

Repealed.

SECTION 2. Chapter one hundred and thirty-eight (138), of the laws of Wisconsin for the year one thousand eight hundred and seventy-four (1874), is hereby repealed, and this act is made a substitute therefor.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved March 5, 1875.

CHAPTER 296.

AN ACT to amend section three, of chapter five hundred and three. of the private and local laws of the year 1867, entitled, "An act to authorize the Wisconsin Manufacturing Company and W. S. Sterling, John Heath and their associates, heirs and assigns, to build and maintain a dam across the Little Wolf River.

The people of the state of Wisconsin, represented in Senate and Assembly, do enact as follows:

Amended.

Rates of toll.

SECTION 1. Amend section three (3), of chapter five hundred and three (503), private and local laws of 1867, the ninth (9) line of the printed copy after the words, to-wit: There shall be paid to the Wisconsin Manufacturing Company two cents (2 cts.) for each thousand (1000) feet of sawed lumber, or lumber in the long, scale measure, or in lieu thereof two-fifths of one cent for every log.

SECTION 2. This act shall take effect and be in force from and after its passage.

Approved March 5, 1875.

CHAPTER 297.

[*Published March* 18, 1875.]

AN ACT to incorporate the city of River Falls.

The people of the state of Wisconsin, represented in Senate and Assembly, do enact as follows:

CHAPTER I.

SECTION 1. All that district of country hereinafter described, from and after the first Monday of April next, shall be a city by the name of River Falls; and the people now inhabiting, and those who shall inhabit said district, shall be a municipal corporation by the name of the city of River Falls, and shall have the general powers possessed by municipal corporations at common law, and, in addition thereto, shall have and possess the powers hereinafter specifically granted; and the authorities thereof shall have perpetual succession, shall be capable of contracting and being contracted with, or suing or being sued, pleading and being impleaded, in all courts of law and equity, and shall have a common seal; and may change and alter the same at pleasure; *provided*, that the question of the adoption of this act, as a charter of such city, shall be submitted to the electors of such territory before such charter shall become operative. For the purpose of determining such question, the qualified electors residing in such territory shall meet on the 30th day of March, A. D. 1875, at ten o'clock A. M. of that day, at such place as the inspectors of such election shall appoint, and vote by ballot upon such question. A. D. Andrews, O. S. Powell and Joel Foster are hereby appointed inspectors of such election. Such inspectors shall give notice of such election by posting notices thereof in at least three public places in such territory, at least five (5) days prior to such election. Such notice shall specify that at the time and place mentioned in said notice, a meeting of the qualified electors of such territory will be held to determine the question of the acceptance of this charter. At such meeting the polls shall be opened at 10 o'clock in the forenoon, and shall be kept open till five o'clock in the afternoon, when they shall be closed; but such

Corporate powers.

Adoption of charter to be submitted to vote of electors —How election to be conducted.

name to all papers, process, writs and proceedings whatever, with the addition, "justice of the peace acting as police justice," and such signing shall be *prima facie* evidence in all courts of the absence from said city or inability to act, of said police justice; *provided further*, that said justice of the peace while performing the duties of the police justice, shall have the possession of the docket of the police justice, and shall have the same power to issue execution upon all judgments upon said docket, and transcripts of said docket and judgments thereon, as said police justice has, and said executions and transcripts, when properly issued and signed by such justice of the peace while acting as police justice, shall have the same effect as though they had been issued and signed by the police justice.

Shall have possession of docket of police justice.

Repealed.

SECTION 2. Chapter one hundred and thirty-eight (138), of the laws of Wisconsin for the year one thousand eight hundred and seventy-four (1874), is hereby repealed, and this act is made a substitute therefor.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved March 5, 1875.

CHAPTER 296.

AN ACT to amend section three, of chapter five hundred and three, of the private and local laws of the year 1867, entitled, "An act to authorize the Wisconsin Manufacturing Company and W. S. Sterling, John Heath and their associates, heirs and assigns, to build and maintain a dam across the Little Wolf River.

The people of the state of Wisconsin, represented in Senate and Assembly, do enact as follows:

Amended.

Rates of toll.

SECTION 1. Amend section three (3), of chapter five hundred and three (503), private and local laws of 1867, the ninth (9) line of the printed copy after the words, to-wit: There shall be paid to the Wisconsin Manufacturing Company two cents (2 cts.) for each thousand (1000) feet of sawed lumber, or lumber in the long, scale measure, or in lieu thereof two-fifths of one cent for every log.

SECTION 2. This act shall take effect and be in force from and after its passage.

Approved March 5, 1875.

six, thence north to center of Elm street, thence westerly along the line of said Elm street to west end of said street, thence west to section line of section one (1), town twenty-seven (27), range nineteen (19), thence north to the county line aforesaid, thence east to northeast corner of northwest quarter of section six aforesaid, thence south to place of beginning, shall constitute a ward to be known as the second ward of said city. All the remaining portion of said city shall constitute a ward to be known as the third ward of said city.

CHAPTER II.

City officers.

SECTION 1. The elective officers of said city shall be a mayor, a marshal, a treasurer, one justice of the peace for each ward, six aldermen, two for each ward, three assessors, one for each ward, who shall constitute a board of assessors, one constable from each ward, which said officers shall hold their respective offices as follows: The mayor, marshal, treasurer and assessor, for one year; aldermen, except as hereinafter prescribed, justices of the peace and constables for two years. The term of office shall commence on the second Monday in April next after their election. Each of said officers shall continue in office for his respective term and until his successor is elected and qualified, and shall have such powers and perform such duties as are prescribed in this act or as may be prescribed in any ordinance of said city not inconsistent with this act or which may not be incompatible with the nature of their respective offices.

Terms of office.

Electors.

SECTION 2. On the first Tuesday in April next the qualified electors of said city shall elect one mayor, one treasurer, one marshal, six aldermen, three justices of the peace, three constables and three assessors, which said officers shall be qualified voters resident in said city. The said A. D. Andrews, O. S. Powell and Joel Foster, or a majority of them, shall designate the place of holding the first election in said city, by posting at least three notices thereof in conspicuous places in said territory at least five days before said election, and at each election the voters present shall have power to proceed by nomination and viva voce election of three inspectors and two clerks, whose duties shall be (after being sworn by any officer competent to administer an oath by the laws of this state) to see that said election shall be

Notice of place of holding first election to be given

conducted in accordance with existing laws of the state of Wisconsin, and any fraud or violation of said laws at said election, shall be punishable as any violation of the election laws in any part of said state; and at every subsequent first Tuesday in April, elections shall be held for the officers above designated, and said election shall be presided over by the aldermen of said ward, or in case of their absence or disability to attend, the voters present at the hour of opening the polls shall elect by viva voce a sufficient number of inspectors to make three with the aldermen present, who shall be sworn in accordance with the laws of the state; they shall appoint and swear two clerks, and shall see the names of the voters registered and the ballots safely deposited in the ballot box; shall decide all questions that may arise as to the legality of the votes presented; shall count the ballots at the close of the polls, and shall certify and seal returns, and the day following the election shall direct and return the said return to the clerk of the city council. The mayor of the city, and such members of the common council as shall hold over, shall constitute a board of canvassers, who shall, within five days after election, meet at the common council chamber and canvass such returns, and after the aforesaid returns have been canvassed by said board, the mayor shall notify by certificate the persons elected to the respective offices. The returns of the first election shall be made to the persons constituting the board of inspectors, first herein provided for, and they or any two of them shall canvass said votes, and shall certify to and notify the officers elected. The polls shall be kept open in the ward from nine o'clock in the forenoon until five o'clock in the afternoon.

Manner of conducting elections.

Canvass of votes.

Vacancies—how to be filled.

SECTION 3. In the event of a vacancy in the office of mayor and justices of the peace, by death, removal or disability, the common council shall order a new election, and shall give not less than five days' notice thereof. Any vacancy in other offices shall be filled by the common council. The person appointed or elected to fill a vacancy shall hold his office and discharge the duties thereof for the unexpired term, with the same right and subject to the same liabilities as the person whose office he may be elected or appointed to fill.

Elections by people to be by ballot.

SECTION 4. All elections by the people shall be by ballot, and a plurality of votes shall constitute an election. All elections by the common council may

be viva voce. When two or more candidates for an elective office shall receive an equal number of votes for the same office, the election shall be determined by the casting of lots in the presence of the common council, at such time and in such manner as they may direct.

Tie vote.

SECTION 5. All persons entitled to vote for state and county officers, and who shall reside within the ward where [they] offer to vote, shall be entitled to vote for any officer to be elected under this law, and to hold any office hereby created.

Qualification of electors.

SECTION 6. If either of the inspectors of elections or aldermen shall suspect that any person offering to vote does not possess the necessary qualifications of an elector, or if such vote be challenged by an elector, the inspector or aldermen, before receiving any such vote, shall require the voter offering to take the following oath: "You do solemnly swear (or affirm as the case may be), that you are twenty-one years of age, that you are a citizen of the United States (or have declared your intentions to become a citizen, conformable to the laws of the United States on the subject of naturalization); that you have resided in this state one year, and now reside in this ward, and that you have not voted at this election, and that you have made no bet or wager depending upon the result of this election." And if the person offering to vote shall take such oath, his vote shall be received, and if such person shall take such oath falsely, he shall be deemed guilty of wilful and corrupt perjury, and upon conviction thereof, upon indictment, shall suffer the punishment provided by law for persons guilty of perjury. If any person who is not a qualified voter shall vote at any election, or if any person duly qualified shall vote in any other ward than the one in which he resides, or shall vote more than once at any election, he shall be liable to indictment and on conviction thereof shall forfeit and pay a sum not exceeding one hundred dollars, nor less than twenty-five dollars. It shall be the duty of inspectors to keep a list of the names of all persons whose votes may be challenged as aforesaid, and shall swear in their votes; and if any inspector or alderman shall knowingly or corruptly receive the vote of any person not authorized to vote, or shall make out false returns of any election, or any clerk shall not write down the name of every voter as he votes, or shall wilfully make untrue and incorrect counts and tallies

Voters may be required to take oath.

Penalty for illegal voting.

Duty of inspectors.

Penalty for making false returns.

of votes, each and every inspector or clerk shall be liable to indictment, and, upon conviction thereof, shall severally forfeit and pay a sum not exceeding five hundred dollars, nor less than one hundred dollars. All such indictments shall be tried in the circuit [court] of the county.

Special elections.

SECTION 7. Special elections to fill vacancies, or for any other purpose, shall be held and conducted by the aldermen or inspectors, as provided by this act, and returns thereof shall be made in the same time, form and manner as of general or annual elections.

Election of aldermen.

SECTION 8. There shall be elected at the first election under this act, three aldermen, who shall hold office for one year, and three aldermen who shall hold office for two years; and at every annual election thereafter, three aldermen, who shall hold office for two years.

When office shall be deemed vacant.

SECTION 9. Any officer removing from the city, and any officer who shall neglect or refuse to qualify on or before the second Monday next after his election, shall be deemed to have vacated his office, and the common council shall proceed to fill such vacancy as hereinafter provided. All officers appointed or elected to fill any vacancy shall enter upon the duties of such offices immediately after receiving notice of such election or appointment.

CHAPTER III.

Oath of office to be taken.

SECTION 1. Every person elected or appointed to fill any vacancy under this act shall, before he enters upon the duties of his office, take and subscribe an oath of office, and file the same, duly certified by the officer taking the same, with the city clerk; and the treasurer, marshal, constable, policeman, justice and justice of the peace, and such other officer as the common council may direct, shall severally, before they enter upon the discharge of their respective offices, execute to the city of River Falls a bond in such sums and with such security and such conditions as the common council may direct, and the common council may, from time to time, require new or additional bonds, and remove from office any officer refusing or neglecting to give the same.

Officers to give bonds.

Duties of mayor.

SECTION 2. The mayor, when present, shall preside over the meetings of the common council, and shall take care that the laws of the state and the ordinances of

the city within the corporation, are duly enforced and observed, and that all officers of the city discharge their respective duties. He shall communicate in writing to the common council once a year such information as the common council may require, and shall communicate once a year such information as he may deem necessary.

President of council—his duties.

SECTION 3. At the first meeting of the common council each year or as soon thereafter as may be they shall proceed to elect by ballot one of their number president, and in absence of the mayor the said president shall preside over the meeting of the common council, and during the absence of the mayor from the city, or his inability from any cause to discharge the duties of his office, the president shall execute all the powers and discharge all the duties of mayor. In case the mayor and president shall be absent from any meetings of the common council, they shall proceed to elect a temporary presiding officer who, for the time being, shall discharge all the duties of the mayor. The president or temporary presiding officer shall, while presiding over the council or performing the duties of mayor, be styled acting mayor, and acts performed by them shall have the same force and validity as if performed by the mayor.

City clerk—his duties.

SECTION 4. The common council shall elect a city clerk; he shall keep a corporate seal and all the papers and records of the city; he shall attend the meetings and keep a record of the proceedings of the common council. The records of the common council kept by him shall be evidence of all legal proceedings. Copies of all papers filed in his office and transcripts from the records certified by him under the corporate seal shall be evidence in all courts in like manner as if the originals were produced. He shall keep a full and accurate account of all orders drawn on the city treasury in a book procured for that purpose, and shall also keep an accurate account with the treasurer, and charge him with all the tax-lists delivered to him for collection, and all sums of money paid into the state treasury. Whenever the clerk shall be absent from any meeting, the city council may appoint a clerk pro tem. The city clerk shall have power and authority to administer oaths and affirmations.

Treasurer—his duties.

SECTION 5. The treasurer shall receive all moneys belonging to the city, and keep an accurate and de-

tailed account thereof, together with an account of all disbursements in such manner as the common council shall direct. He shall report to the common council as often as shall be required, and annually at least ten days before the annual election, make a full and detailed account of all the receipts and expenditures after the date of the last annual report, and also of the state of the treasury, which statement shall be filed with the clerk.

Marshal—his powers and duties.

SECTION 6. The marshal shall perform such duties as shall be perscribed by ordinance for the preservation of the public peace, and the collection of fines and license money. He shall possess the power of constable at common law, or by the laws of this state, co-extensive with the counties of Pierce and St. Croix, shall be subject to the same liabilities and receive like fees.

Power of council to prescribe duties of officers.

SECTION 7. The common council shall have power from time to time to require other and further duties to be performed by any officer whose duties are herein prescribed, and to appoint such other officers as may be necessary to carry into effect the provisions of this act, and to prescribe their duties, and to fix the compensation of all officers elected or appointed by them. Such compensation shall be fixed by resolution at the time the office is created, or at the commencement of the year, and shall not be increased or diminished during the term such officer shall remain in office.

Compensation of officers.

City printing—to be let by contract.

SECTION 8. The common council shall annually provide that all advertising or publishing authorized and required by them to be done for their use for the city, shall be let by contract to the lowest bidder for the term of one year; *provided*, that no bid therefor shall be considered unless the same shall be lower than the rates of legal advertising fixed by law. All ordinances and other proceeding required by this act or by the by-laws, or ordinances of the common council to be published [shall be published] in the newspapers selected under the provisions of this section, and the the printer of said newspaper shall either in person or by his foreman, file with the clerk of the city, his or their affidavits of the length of time said ordinance, by-law or proceedings has been published, and such affidavit shall be conclusive evidence of the publication of such notice, ordinance, proceeding or by-law.

Publication of ordinances, etc.

SECTION 9. If any person having been an officer in said city, shall not, within ten days after notification and request, deliver to his successor in office all property, money, books, papers and effects of every description in his possession belonging to said city, or pertaining to the office he may have held, he shall forfeit and pay to the city for its use one hundred dollars, besides all damages caused by his neglect or refusal so to deliver, and such successor may recover the possession of such books, papers, and effects in the manner precribed by the laws of this state.

Penalty for neglect to deliver books, papers, etc., to successor.

SECTION 10. The mayor, sheriffs of Pierce and St. Croix counties aforesaid, each and every alderman, justice of the peace, marshal, constable and watchmen, shall be officers of the peace, and suppress in a summary manner all rioting and disorderly behavior within the limits of the city, and for such purpose may command the assistance of all by-standers, and if need be of all citizens and military companies; and if any person, by-stander, military officer or private, shall refuse to aid in maintaining the peace when required, such person shall forfeit and pay a fine of fifty dollars; and in case where the civil power may be required to suppress riot or disorderly behavior, the superior or senior officer present, in the order mentioned in this section, shall direct the proceedings.

Peace officers—their powers and duties.

SECTION 11. The common council shall elect a city surveyor, who shall be a practical surveyor and engineer. He shall keep his office at some convenient place in said city, and the common council shall prescribe the duties and fix the fees and compensation for any service performed by him, All surveys, profiles, plans or estimates made by him for the city, shall be the property of the city, and shall be carefully preserved in the office of the surveyor, open to the inspection of parties interested, and the same, together with all books and papers pertaining to said office, shall be delivered to his successor or the common council at the expiration of his term of office.

City surveyor—his duties.

CHAPTER IV.

SECTION 1. The mayor and aldermen shall constitute the common council, and the style of all ordinances shall be, "The common council of the city of River Falls do ordain," etc. The common council shall meet at such time and place as they by resolu-

Common council.

tion shall direct. A majority of the aldermen shall constitute a quorum.

Organization and meetings of council.

SECTION 2. The common council shall hold stated meetings, and the mayor may call special meetings by notice to each of the members, to be served personally, or left at their usual places of abode. The common council shall determine the rules of its own proceedings, and be the judge of the election and qualification of its own members, and have power to compel the attendance of absent members.

General powers of council.

SECTION 3. The common council shall have control and management of the finances and of all property of the city; and shall likewise, in addition to the powers herein vested in them, have full power to make, enact, ordain, establish, publish, enforce, alter, modify, amend and repeal all such ordinances, rules, and by-laws for the government and good order of the city, for the suppression of vice and immorality, for the prevention of crime, and for the benefit of trade, commerce and health as they shall deem expedient, declaring and imposing penalties, and to enforce the same against any person or persons who may violate any of the provisions of such ordinances, rules and by-laws, and such ordinances, rules and by-laws are hereby declared to be and have the force of law; *provided*, that they be not repugnant to the constitution of the United States and of this state, and for these purposes shall have authority, by ordinances, resolution or by-law:

Shows, saloons, etc.

1st. To license and regulate the exhibition of common showmen or shows of any kind, or the exhibition of caravans, circuses, or theatrical performances, billiard tables, bowling saloons, and to provide for the abatement of and removal of all nuisances under the ordinances or at common law, and to grant licenses for selling spirituous, vinous or fermented liquors, and to regulate groceries, taverns, victualing houses, and the persons vending or dealing in spirituous, vinous or fermented liquors, and to revoke the same for a violation thereof; *provided*, that the sum to be paid for any such license shall not be less than the amount fixed and provided by the laws of this state, and that no license shall be granted for a less time than one year, and shall expire on the first Tuesday in April, except in special cases the council may issue the same for a fractional part of a year, to expire on that day; *and provided further*, that no person thus licensed shall sell or give away spirit-

License for sale of liquors.

nous, vinous or fermented liquors on election days; and all moneys derived from licenses shall be paid into and constitute a part of the city general fund.

Gambling.

2d. To restrain and prohibit all descriptions of gaming and fraudulent devices and practices, and all playing of cards or dice, or other games of chance, for the purpose of gaming in said city, and to restrain any person from vending, giving or dealing in spirituous, fermented or vinous liquors, unless duly licensed by the common council.

Riots, and disorderly places.

3d. To prevent any riots, noise, disturbances or disorderly assemblages, suppress and restrain disorderly houses or groceries, and houses of ill-fame, and to authorize the destruction of all instruments used for the purpose of gaming.

Unwholesome places.

4th. To compel the owner or occupant of any grocery, cellar, tallow chandler's shop, soap factory, tannery, stable, barn, privy, sewer, or other unwholesome, nauseous house or place, to cleanse, remove or abate the same from time to time, as often as it may be necessary for the health, comfort [and] convenience of the inhabitants of said city.

Slaughter-houses and markets.

5th. To direct the location and management of slaughter-houses and markets, and to prevent the erection of and use and occupation of the same when the offal or filth therefrom shall discharge into the waters of the rivers, lakes, ponds or sloughs, and to establish rates for and license venders of gunpowder, and regulate the storage, keeping and conveying of the same or other combustible material.

Gunpowder.

Encumbrance of streets.

6th. To prevent the incumbering of the streets, sidewalks, lanes or alleys with carriages, sleighs, boxes, lumber, fire-wood, or any other materials or substances whatever.

Horse racing.

7th. To prevent horse-racing, immoderate driving or riding in the streets, and to regulate the places of bathing and swimming in the waters within the limits of said city.

Horses, cattle, etc.

8th. To restrain the running at large of horses, cattle, swine, sheep, poultry and geese, and to authorize the distraining, impounding and sale of the same.

Dogs.

9th. To prevent the running at large of dogs, and to authorize the destruction of the same in a summary manner when at large contrary to the ordinance.

Unwholesome substances.

10th. To prevent persons from bringing, depositing or having within said city, any putrid carcass, or unwholesome substances, and to require the removal of the same by any person who may have upon his

tion shall direct. A majority of the aldermen shall constitute a quorum.

Organization and meetings of council.

SECTION 2. The common council shall hold stated meetings, and the mayor may call special meetings by notice to each of the members, to be served personally, or left at their usual places of abode. The common council shall determine the rules of its own proceedings, and be the judge of the election and qualification of its own members, and have power to compel the attendance of absent members.

General powers of council.

SECTION 3. The common council shall have control and management of the finances and of all property of the city; and shall likewise, in addition to the powers herein vested in them, have full power to make, enact, ordain, establish, publish, enforce, alter, modify, amend and repeal all such ordinances, rules, and by-laws for the government and good order of the city, for the suppression of vice and immorality, for the prevention of crime, and for the benefit of trade, commerce and health as they shall deem expedient, declaring and imposing penalties, and to enforce the same against any person or persons who may violate any of the provisions of such ordinances, rules and by-laws, and such ordinances, rules and by-laws are hereby declared to be and have the force of law; *provided*, that they be not repugnant to the constitution of the United States and of this state, and for these purposes shall have authority, by ordinances, resolution or by-law:

Shows, saloons, etc.

1st. To license and regulate the exhibition of common showmen or shows of any kind, or the exhibition of caravans, circuses, or theatrical performances, billiard tables, bowling saloons, and to provide for the abatement of and removal of all nuisances under the ordinances or at common law, and to grant licenses for selling spirituous, vinous or fermented liquors, and to regulate groceries, taverns, victualing houses, and the persons vending or dealing in spirituous, vinous or fermented liquors, and to revoke the same for a violation thereof; *provided*, that the sum to be paid for any such license shall not be less than the amount fixed and provided by the laws of this state, and that no license shall be granted for a less time than one year, and shall expire on the first Tuesday in April, except in special cases the council may issue the same for a fractional part of a year, to expire on that day; *and provided further*, that no person thus licensed shall sell or give away spirit-

License for sale of liquors.

fuel, lime and other gross commodities, and to appoint suitable persons to superintend and conduct the same.

Rubbish.

21st. To compel owners of buildings or grounds, or the occupants when the same are occupied, to remove snow, dirt or rubbish from the sidewalks, street or alley opposite thereto, and to compel such owner or occupant to remove from the lot owned or occupied by him, all such substances as the board of health shall direct, and in default to authorize the removal or destruction of the objectionable substances by some officer of the city, at the expense of such owner or occupant.

Contagious diseases.

22d. To regulate, prevent and control the landing of persons from cars and stages wherein are contagious and infectious diseases or disorders, and to make such disposition of such persons as to preserve the health of said city.

Auctions.

23d. To regulate the time, place and manner of holding public auctions and vendues.

Watchmen.

35th. To appoint watchmen and regulate their duties.

Weights and measures.

25th. To provide by ordinance for a standard of weights and measures, and for the punishment of [for] the use of false weights and measures.

Names and numbers of streets and lots, and plats of same.

26th. To alter or change the name of any street in the city, and to re-number the lots and blocks of the city or any part thereof, and to cause a revised and consolidated plat of the same to be recorded in the office of the register of deeds of the county in which the same is situated; and after the making and recording of such plat, such lots or tracts may be assessed or conveyed by the numbers or designations upon such plat, and such numbers and designations shall be valid descriptions for all purposes of assessment, tax deeds and conveyances.

Conveyance of lots.

Streets, alleys, bridges, etc.

27th. To lay out, make, open, keep in repair, alter or discontinue any highways, streets, lanes or alleys, and sidewalks and bridges, and to keep them free from incumbrance, and to protect them from injury.

Shade trees.

28th. The common council shall have power to require the owner of any lot or grounds in the city to set out shade or ornamental trees in street or streets fronting the same, and in default thereof to cause the same to be done and to levy a special tax upon such lot or grounds to pay the expense of the same.

Water courses.

29th. The common council shall have jurisdiction over the entire water courses bordering on such city

premises any such substance, or putrid or unsound beef, pork, fish, hides or skins, of any kind, or on default to authorize the removal thereof by some competent officer at the expense of such person or persons.

Pounds, pumps etc.

11th. To establish and make public pounds, pumps, wells, cisterns, and reservoirs of the city; to regulate and license hacks, cabs, drays, carts, and the charges of hackmen, cabmen, draymen and cartmen in the city, and to erect lamps for lighting the streets, public grounds and public buildings with gas or otherwise.

Hacks, cabs, etc.

Lighting of streets.

Boards of health, hospitals and cemetaries.

12th. To establish and regulate boards of health, provide pospitals and cemetery grounds, regulate the burial of the dead and the return of the bills of mortality, and to exempt burial grounds set apart for public use, from taxation.

Bread.

13th. To establish the size and weight of bread, and to provide for the seizure and forfeiture of bread baked contrary thereto.

Protection of sidewalks.

14th. To prevent all persons from riding or driving any horse, mule, or any other animal on the sidewalks in said city, or in any way doing any damage to said sidewalks.

Fire-arms and fire-works.

15th. To prevent any shooting of firearms or crackers, and to prevent the exhibition of fire-works in any situation which may be considered by the council dangerous to the city or any property therein, or annoying to the citizens thereof.

Drunkenness and obscenity.

16th. To restrain drunkards, immoderate drinking, or obscenity in the streets or public places, and to provide for arresting, removing and punishing any person or persons who may be guilty of the same.

Runners for cars, etc.

17th. To restrain and regulate runners and solicitors for stages, cars, public houses and other establishments.

Police.

18th. To make rules and ordinances for the government of the police of the city.

Markets.

19th. To establish public markets and make rules and regulations for the government of the same; to appoint suitable officers for overseeing and regulating such markets, and to punish, and restrain all persons from interrupting the due observances of such rules and regulations; to regulate and license butchers' stalls, shops and stands for the sale of game, poultry, meats, fish and other provisions.

Hay, fuel, etc.

20th. To regulate the place and manner of weighing hay, selling the same and measuring and selling

duty of the common council to declare the office of such person vacant; and the common council shall order suits and proceedings at law against any officer or agent of said city who may be delinquent or defaulting in his accounts, or in the discharge of his official duties, and shall make a full record of all such settlements and adjustments.

CHAPTER V.

Laying out and widening of streets, alleys, etc.

SECTION 1. The common council shall have power to lay out public squares, grounds, streets and alleys, and to widen the same as follows: Whenever ten or more freeholders residing in any ward, shall, by petition, represent to the common council that it is necessary to take certain lands within the ward where such petitioners may reside, for public use, for the purpose of laying out public squares, grounds, streets or alleys, or the enlarging and widening of the same, the courses and distances, metes and bounds of the lands proposed to be taken, together with the names and residences of the owners of such premises, if the same shall be known to the petitioners, the common council shall thereupon cause notice of such application to be given to the occupant or occupants of such lands, if any there be, or if a portion of such land shall not be in actual occupation of any person, then the common council shall cause such notice, describing as near as may be the premises proposed to be taken, to be published in the official paper for four weeks at least once in each week.

Notice of petition to be given to owners of lands to be taken.

What notice shall set forth.

SECTION. 2. Such notice shall state on a certain date therein to be named, not less than ten days from the service of such notice, or the expiration of such publication, as the case may be, application will be made to the judge of the circuit or county court of the county in which such lands may be situate, for the appointment of six jurors to view said premises, and to determine whether it will be necessary or expedient to take the same for the purposes specified in said petition.

Appointment of jurors.

SECTION 3. Upon the presentation of such application, and upon proof of the publication or service of the notice hereinbefore required, the said judge shall thereupon appoint six reputable freeholders, residents of the city, but not interested in such application. The said judge shall thereupon issue his precept directed to said jurors, requiring them within thirty

Jurors to view premises and make report.

days to view said premises, to be specified in said precept, and to make returns under their hands to the common council, whether in their judgment it is necessary to take said premises for the purpose specified in such application.

In case of disqualification of jurors.

SECTION 4. If any of the jurors so appointed shall be disqualified from acting, or shall refuse to act, the judge shall appoint others in their places, and a memorandum of such substitution shall be endorsed on the precept.

Jurors to take testimony.

SECTION 5. The said jurors, at such times as they shall agree upon, shall proceed in a body to view the premises in question, and shall hear such testimony as may be offered by any person interested, which testimony shall be reduced to writing by one of the jurors; and either of the jurors shall be authorized to administer the necessary oaths to witnesses.

Jurors to report whether necessary to take lands.

SECTION 6. After viewing the premises and hearing such testimony as may be offered, the jurors shall make a report of their proceedings, which shall be signed by them respectively, and shall state whether in their judgment it is necessary to take the premises in question for the public use, which said report, testimony and precept shall be returned to the common council within the time limited therein.

In case it is reported necessary to take premises.

SECTION 7. Should the jurors report that it is necessary to take such premises, the common council shall enter an order among their proceedings confirming said report, and directing the said jurors, within one month thereafter, or such further time as may be deemed proper, to again view said premises for the purpose of ascertaining and determining the amount of damages to be paid to the owner or owners of the property proposed to be taken, and also what lands or premises will be benefitted by such taking, and to assess and return within the time limited, such damages and benefits to the common council.

In case of lands being occupied by buildings.

SECTION 8. If there should be any building in whole or in part upon the lands to be taken, the jurors before proceeding to make their assessments, shall first estimate and determine the whole value of each building to the owner, aside from the value of the land, and the injury to him in having the said building taken from him; and secondly, the value of such building to him to remove.

Notice of determination to be given owners of land.

SECTION 9. At least ten days previous notice of such determination shall be given to the owner or his agents if known, and a resident of the city, or left at

his usual place of abode. If not known, or a non-resident, notice to all persons interested shall be given by publication, in the official paper three successive weeks. Such notice shall specify the building and the award of the jurors. It shall also require parties interested to appear by a day to be therein named, or give notice of their election to the common council, either to accept the award of the jurors and allow such building to be taken with the land appropriated or of their intent to remove said building, at the value thereon set by the jurors to remove. If the owner shall agree to remove such building, he shall have such time for this purpose as the common council shall allow.

Parties interested to appear and give notice of intent.

SECTION 10. If the owner refuses to take the building at the value to remove, or fails to give notice of his election as aforesaid within the time prescribed, the common council shall have power to direct the sale of said building at public auction for cash, giving ten days' notice of such sale. The proceeds shall be paid to the owner, or deposited to his use.

In case owner refuses to take building to remove.

SECTION 11. The said jurors within the time limited, shall view and examine the premises proposed to be taken, and all such other premises as will, in their judgment, be injured or benefited thereby. After hearing such testimony as may be offered by any parties interested, and which shall be reduced to writing by one of said jurors, they shall proceed to make their assessment, and to determine and appraise to the owner or owners the value of the real estate so proposed to be taken, and the injury arising to them, respectively, in consequence of the taking thereof, shall be awarded to the owners, respectively, as damages, after making due allowance therefrom for any benefit which such owners may respectively derive from such improvements. In the estimate of damages to the land, the jurors shall include the value of the building or buildings (if the property of the owner of such land) as estimated by the owner aforesaid, less the proceeds of the sale thereof, or if taken by the owner at the value to remove, in such case they shall only include the difference between such value and the whole estimated value of such building or buildings.

Jurors to view premises and appraise value thereof.

SECTION 12. If the damages to any person be greater than the benefits received, or if the benefits be greater than the damages, in either case the jurors s all strike a balance and carry the difference forward to

Damages or benefits to be determined.

another column, so that the assessment will show what amount is to be received or paid by such owner or owners respectively, and the difference only shall in any case be collected by them or payable to them.

When property belongs to several persons or is subject to lease or mortgage.

SECTION 13. If the lands or buildings belong to several persons, or if the lands be subject to lease, judgment or mortgage, or if there be any estate in it less than an estate in fee, the injury done to such persons or interests, respectively, may be awarded to them by the jurors less the benefits resulting to them respectively from the proposed improvement.

Jury to apportion and assess damages and expenses.

SECTION 14. Having ascertained the damages and expense of the proposed improvement as aforesaid, the jurors shall thereupon apportion and assess the same, together with the cost of the proceedings upon the real estate by them deemed benefited, in proportion to the benefits resulting from the proposed improvements as nearly as may be, and shall describe the real estate upon which the assessments may be made. The award of such jurors shall be signed by them and returned together with the testimony taken, to the common council within the time limited in their order or appointment.

When lands shall become vested in city.

SECTION 15. The lands required to be taken for the purposes mentioned in this act, shall not be appropriated until the damages awarded therefor to the owner thereof shall be paid or tendered to the owner or his agent, and in case the said owner or agent cannot be found or is unknown, deposited to his or their credit with the city treasurer, and then and not before, such lands may be taken and appropriated for the purpose required, and the same shall thereafter be subject to all laws and ordinances of the city in the same.*

Contracts, leases etc., to be void.

SECTION 16. When the whole of any lot or tract of land, or other premises, under lease or under contract, shall be taken by virtue of this act, all the covenants, contracts or engagements between landlord and tenant or any other contracting parties, touching the same or any part thereof, shall upon the confirmation of such report, respectively cease and be absolutely discharged.

When only part of land taken, contract or lease of balance to remain void.

SECTION 17. When only part of a lot or tract of land or other premises so under lease or contract shall be taken for any of the purposes aforesaid, all the covenants, contracts or agreements respecting the same, upon the confirmation of such r port, shall be absolutely discharged as to the part thereof so taken,

* The words "manner as streets, alleys and public grounds heretofore opened and laid out," are found in engrossed bill, but not in enrolled bill.

but shall remain valid as to the residue thereof, and the rents, considerations and payments reserved, payable and to be paid for in respect to the same, shall be so proportioned so that the part thereof justly and equitably payable for such residue thereof, and no more, shall be paid or recoverable for in respect to the same.

Damage to be paid within six months.

SECTION 18. The damages assessed shall be paid or tendered or deposited, as herein required within six months [after] the confirmation of such assessment and reports, and if not so paid, tendered and deposited, all the proceedings in any such case shall be void. The benefits so assessed from the confirmation of such report shall become and remain a lien upon the premises so determined by the opening or widening of such street, alley or public ground.

Benefits assessed to become a lien.

When lands belong to an infant or person under legal disability.

SECTION 19. When any known owner of lands or tenements affected by any proceeding under this act shall be an infant, or labor under legal disability, the judge of the circuit court of the county in which said lands may be situate, or, in his absence, the judge of any court of record in said county, may, upon the application of the common council, or such party or his next friend, appoint a guardian for such party, and all notices required by this act shall be served upon such guardian.

Council may appoint new jurors.

SECTION 20. After the jurors shall have made their report as to the necessity of taking any lands under this act, and the same shall have been confirmed, the common council shall have power to appoint new jurors in the place of any who shall neglect or refuse to serve, and the jurors, before entering on the discharge of their duties, shall severally take an oath before some competent officer, that they are freeholders of said city and not interested in the premises proposed to be taken, and that they will faithfully and impartially discharge the trusts reposed in them.

Jurors to take oath.

Right of appeal to circuit court.

SECTION 21. Any person whose property is taken, or against whom an assessment is made, may, within ten days from the return of said jurors to the common council, appeal from the said assessment of damages or benefits to the circuit court of the county in which such lands may be situate, where such appeals shall be tried by the court and jury as in ordinary cases. The common council shall have the same right to appeal.

Survey and profile of street

SECTION 22. Whenever any public ground, street or alley shall be laid out, widened or enlarged under the

alley or public ground to be made.

provisions of this chapter, the common council shall cause an accurate survey and profile thereof to be made and filed in the office of the city surveyor.

CHAPTER VI.

Council may survey and cause map of streets to be made.

SECTION 1. The common council may cause a survey of all the streets to be made and the grade thereof established, and an accurate and perfect map and profile of the same made and deposited with the clerk of said city, with suitable field notes and explanations thereof, to enable the same to be fully understood, which grade shall be strictly complied with unless altered and modified as hereinafter provided, in the opening and grading of all streets, and in the erection of all bridges, sluices, water courses and drains, and in constructing all sidewalks, platforms, cross-walks and alley ways.

Power of council to alter grades of streets

SECTION 2. Upon application in writing of the resident owners of three-fourths of the lots upon any street or upon that part of any street in which the grade is proposed to be changed, the common council shall have power to alter such grade, or establish a new one in such street, or part of street, set out in such application as the public good may seem to require.

Right of action against city for damages sustained.

SECTION 3. Any person not being a signer of such application who shall complain to have sustained damages by such change of grade, shall have his right of action againt the city for the recovery of the same; *provided*, that no suit shall be brought against the city, for the recovery of such damages until application shall have been made to the city council, and said council shall have refused or neglected for three months to settle the same; the signing of such application shall be taken and construed as a release of all claims for damages of every such signer.

Street commissioner—his duties.

SECTION 4. The common council shall have power to elect a street commissioner who shall have power to require every resident liable to work on the highways, by the laws of this state, to perform one day's labor in each year on the streets in said city, and in case any such person shall neglect or refuse to perform such labor at such time and place as such commissioner shall direct, to assess, sue for and collect of every such person, one dollar and fifty cents in lieu thereof, which shall be expended in improving

Poll tax.

the streets, under the direction of the common council by said commissioner.

Street commissioner to enforce ordinances relating to streets, etc.

SECTION 5. It shall be the duty of the street commissioner to see that all ordinances of the city relating to the obstruction and cleaning of sidewalks, streets, alleys, public grounds, resorvoirs, gutters, sewers and water courses are duly observed and kept, and direct and control the persons employed therein. The street commissioner shall have a general supervision over all work let by contract for the improvment of streets or sidewalks unless the common council shall otherwise provide. The street commissioner shall annually report to the common council a correct statement of all moneys by him collected under the provisions of the fourth section of this chapter, and the manner of expending the same.

Other duties of same.

Construction of sidewalks.

SECTION 6. Sidewalks shall be constructed upon the proper and established grade of any street in said city, of such width, in such manner, of such materials, and in such time as the common council, by the ordinances, resolution or order shall direct, by the owner or owners of any lot or piece of ground in front of which such sidewalk shall be ordered. If the owner or owners of any such lot or piece of ground shall not construct such sidewalk as aforesaid, the common council may cause the same to be constructed at the expense of such owner or owners. The contract for the construction of any such sidewalk shall be let to the lowest bidder, and notice shall be given by publication in the official paper of the city for at least ten days, of the time and place and manner of receiving such bids. The common council shall levy a special tax upon each lot or piece of ground in front of which any sidewalk shall be constructed by contract, sufficient to pay the cost of constructing the same; *provided*, that no such contract shall be let until sixty days' notice shall have been given to such owner or owners, of the ordinance, resolution or order requiring the construction of such sidewalk, by the publication of the same at least ten days in the official paper of the city; *provided*, that no such sidewalk shall be constructed except upon the petition of two-thirds of the owners of such lots and blocks, who shall be residents of such city. Such sidewalks shall be maintained at the expense of the city.

How expenses to be paid.

CHAPTER VII.

Control of council over city funds.

SECTION 1. All funds in the city treasury, except school, county and state funds, shall be under the control of the common council, and shall be drawn out upon the order of the mayor, countersigned by the clerk, duly authorized by the common council, and in no other way; and in all appropriations of money by the common council the ayes and noes shall be taken and recorded on the journal.

How orders to be drawn.

SECTION 2. All orders drawn upon the treasurer shall specify the purposes for which they are drawn, and shall be made payable to the order of the person entitled to receive the same, and shall be payable generally out of any funds in the treasury belonging to the city, and all such orders shall be received in payment of any debt or demand due to, or tax or assessment levied by authority of the city, except taxes levied for school purposes.

Debts to be authorized by council.

SECTION 3. No debt shall be contracted against the city, or order drawn upon the city treasury, unless the same shall be authorized by a majority of the common council, and no money be appropriated for any purpose whatever, except such as is expressly authorized by this act.

Forfeitures, etc., to be paid into city treasury.

SECTION 4. All forfeitures and penalties accruing to the city for the violation of this act, or of any of the ordinances, by-laws, rules and regulations of the city, and all moneys accruing for licenses, shall be paid into the city treasury and become a part of the general fund, except as otherwise provided in this act. No penalty or judgment recovered in favor of the city, shall be remitted or discharged except by a vote of two thirds of the aldermen elect.

Taxes and assessments.

SECTION 5. All property, real and personal, within the city except such as may be exempt by the laws of this state, shall be subject to annual taxation for the support of the city government and the payment of its debts and liabilities and the same shall be assessed in the manner hereinafter provided; the assessor elected under this act shall have and possess the same powers that are or may hereafter be conferred upon township assessors, except as far as they may be altered by this act; *provided, however*, that the common council may prescribe the form of assessment rolls, and more fully define the duties of assessors, and make such rules and regulations in

relation to revising, altering or perfecting such rolls as they may from time to time deem advisable.

Assessment roll—how to be made.

SECTION 6. On or before the third Monday of June in each year the assessor shall, with the president of the common council and the city clerk, meet at the common council chamber, and shall organize by electing one of their number chairman, and on or before the first day of July of each year, the said assessor shall make out an accurate and complete assessment roll, which shall contain a description as near as may be of all lands, lots or parcels of land within the city, sufficient to identify the same, and also of all persons or bodies politic liable to pay taxes on personal property, and opposite to each lot or parcel of land shall be affixed the value thereof, and opposite to the name of each person or body politic shall be affixed the value of personal property assessed to each. Where there are buildings on any lot or tract of land the value of the same shall be set forth separately when so desired by the owners thereof. The assessor may assess any lot or tract of land in such parcels as he may deem proper, but it shall be necessary to enter the name of the owner, when known, opposite to any tract, lot or parcel of land. The assessment shall be certified by the chairman or a majority of the assessment board, and such certificate shall be conclusive [evidence] of the organization of the assessment board and the election of such chairman.

Board of review.

SECTION 7. On the first and second Monday of July, and at such other times as they may appoint, the assessment board shall meet at the common council chamber for the purpose of hearing any objections of parties deeming themselves aggrieved by such assessment, and, after hearing the same, shall make such alteration as justice and equity may require.

Revision of assessment roll.

SECTION 8. On or before the first day of September in each year, the assessment roll shall be returned to the common council by depositing the same with the clerk. The common council may supply omissions in said roll, and, for the purpose of equalizing the same, may alter, add to, take from, and otherwise revise and correct the same, but shall not have power to increase the amount of said roll except by the value of such real property as may have been omitted by the assessor.

Levy of taxes.

SECTION 9. When the assessment roll shall have been revised and corrected, the same shall be filed with the clerk, and an order approving the same shall

be entered in the proceedings of the common council. On the first Monday of October in each year, or within ten days thereafter, the common council shall determine the amount of taxes to be levied for general city purposes, and also to be levied for school purposes, and shall, by resolution, levy the same, but no such resolution shall be adopted except by a vote of two-thirds of the members elect, which shall appear in the proceedings of the common council; *provided*, that the said council shall not levy a tax for general purposes exceeding one per cent. upon the assessed valuation of said city in any one year, unless authorized to raise a greater sum by a majority of the electors of said city at a general or special election.

Taxes to be lien on property.

SECTION 10. All taxes or assessments, general or special, levied under this act, shall be and remain a lien upon the lands and tenements upon which they may be assessed, and upon all personal property of any person or body politic, assessed for personal taxes, from the date of the warrant for the collection thereof, until such taxes shall be paid, and no sales or transfer of such real property shall affect such lien. Any personal property belonging to the person taxed may be sold for the payment of taxes upon personal property.

Boards of supervisors of Pierce and St. Croix counties may levy taxes.

SECTION 11. The boards of supervisors of the counties of Pierce and St Croix may levy a tax or taxes upon such portion of the territory of such city as may be comprised within the limits of such county, as now is or may be provided by law hereafter in relation to towns, and shall cause the amount of taxes so levied to be certified to the city or city clerk, in the manner provided by law in relation to town and town clerks, and in all transactions of the board of supervisors of said county, said city shall be regarded as a town, except as herein otherwise provided.

City clerk to make out tax roll.

SECTION 12. Upon receiving the statement of the amount of taxes so levied, the city clerk shall make out upon the assessment roll in columns left for that purpose, or upon a copy thereof, a complete statement of the several taxes levied for state, county, city or other purposes, and all delinquent taxes of any previous years, and all special taxes levied by the common council, since the making out of the annual tax list, in such separate columns as may be necessary, with the total footings carried out opposite each tract or lot of land, or persons named therein, which state

ment shall be called the tax list of the city of River Falls, and shall be preserved by said clerk as a record in his office, and shall have the same legal force and effect as the records of the common council.

Tax-list to be evidence.

SECTION 13. The tax list made out and preserved as aforesaid shall be prima facie evidence in every court of record in this state that every act or thing required by law to be done relating to assessing or levying taxes, from the election of officers to the completion of the tax list inclusive, has been done regularly and correctly as required by law.

Duplicate tax list to be delivered to treasurer.

SECTION 14. Immediately after making out the tax list as aforesaid, the clerk shall make out a duplicate copy thereof, to which shall be appended a warrant signed by the mayor and clerk, and sealed with the corporate seal of said city, directed to the treasurer requiring and commanding him to collect the taxes and assessments specified in said duplicate copy of the tax list in the manner provided by law, and said clerk shall on or before the 25th day of November of the same year, or as soon thereafter as practicable, deliver the same to the city treasurer for collection and make a record of such delivery on the tax list preserved in his office.

Treasurer to collect taxes.

SECTION 15. The city treasurer upon receipt of such duplicate copy of the tax list shall proceed to collect the same in like manner, and shall have like powers, and be subject to like requirements, liabilities and restrictions as town treasurers, except as otherwise provided in this act. The city treasurer shall receive two per cent. fees upon all taxes paid to him before the first day of January, and five per cent. fees upon all taxes paid or collected after that time, to be added to the amount of taxes and collected with the same, and two per cent. upon all other moneys paid into the treasury, which shall be in full for services performed by said treasurer under this act or the ordinances of the city.

Fees of treasurer.

Treasurer to make out delinquent tax-list.

SECTION 16. On or before the fifteenth day of February of each year, the said treasurer shall make out and return to the treasurer of the county in which such lands may be a list of all lands and lots upon which the taxes have not been paid, and shall also settle with and pay over all moneys properly payable to said county treasurer, in like manner as now is, or may hereafter be required of town treasurers. The said treasurer shall also by the same time make out and deliver to the city clerk a list of all delinquent

personal property taxes for the same year. The county treasurer shall add the same interest, penalties or fees to such delinquent returns as are allowed or are required by law upon delinquent returns from the several towns.

Sale of delinquent lands.

SECTION 17. The county treasurer shall sell all delinquent lands and lots returned from the city of River Falls at the same time and in the same manner as other delinquent lands are sold in said county.

No exemptions from special taxes.

SECTION 18. All real estate exempt from taxation by the laws of this state, shall be subject to all special taxes for the building of sidewalks and improvement of streets in front of the same.

Assessment of farming lands.

SECTION 19. All lands lying within the city limits used or kept for farming purposes, and not divided and laid out with lots and blocks and out-lots, shall be assessed at a moderate cash value by the acre, and shall not be subject to any special tax. Taxes levied for purpose of procuring fire apparatus or construction of water works within said city, shall be deemed special taxes within the meaning of this act.

Assessment not vitiated by informalities.

SECTION 20. All the directions hereby given, except in section nine of this chapter, for the assessing of lands, and the assessing, and the levying, collection and returns of taxes and assessments, shall be deemed only directory, and no error or informality in the proceedings of any of the officers entrusted with the same, not affecting the substantial justice of the tax itself, shall vitiate or in anywise affect the validity of the tax or the assessment.

CHAPTER VIII.

SCHOOLS.

Status of public schools.

SECTION 1. The common schools of the city of River Falls shall be under the supervision and control of the district boards of each district in the same manner as if this act had not been passed, and the same relations shall be sustained between said city and such schools, as near as may be, as between a township and the schools therein, and the same reciprocal powers and duties.

ment shall be called the tax list of the city of River Falls, and shall be preserved by said clerk as a record in his office, and shall have the same legal force and effect as the records of the common council.

Tax-list to be evidence.

SECTION 13. The tax list made out and preserved as aforesaid shall be prima facie evidence in every court of record in this state that every act or thing required by law to be done relating to assessing or levying taxes, from the election of officers to the completion of the tax list inclusive, has been done regularly and correctly as required by law.

Duplicate tax list to be delivered to treasurer.

SECTION 14. Immediately after making out the tax list as aforesaid, the clerk shall make out a duplicate copy thereof, to which shall be appended a warrant signed by the mayor and clerk, and sealed with the corporate seal of said city, directed to the treasurer requiring and commanding him to collect the taxes and assessments specified in said duplicate copy of the tax list in the manner provided by law, and said clerk shall on or before the 25th day of November of the same year, or as soon thereafter as practicable, deliver the same to the city treasurer for collection and make a record of such delivery on the tax list preserved in his office.

Treasurer to collect taxes.

SECTION 15. The city treasurer upon receipt of such duplicate copy of the tax list shall proceed to collect the same in like manner, and shall have like powers, and be subject to like requirements, liabilities and restrictions as town treasurers, except as otherwise provided in this act. The city treasurer shall receive two per cent. fees upon all taxes paid to him before the first day of January, and five per cent. fees upon all taxes paid or collected after that time, to be added to the amount of taxes and collected with the same, and two per cent. upon all other moneys paid into the treasury, which shall be in full for services performed by said treasurer under this act or the ordinances of the city.

Fees of treasurer.

Treasurer to make out delinquent tax-list.

SECTION 16. On or before the fifteenth day of February of each year, the said treasurer shall make out and return to the treasurer of the county in which such lands may be a list of all lands and lots upon which the taxes have not been paid, and shall also settle with and pay over all moneys properly payable to said county treasurer, in like manner as now is, or may hereafter be required of town treasurers. The said treasurer shall also by the same time make out and deliver to the city clerk a list of all delinquent

to be prohibited and their apparatus to be delivered up. Each company shall not exceed seventy able bodied men, between the ages of fifteen and sixty years, and may elect its own officers and form its own by-laws, not inconsistent with the laws of this state or the ordinances and regulations of said city, and shall be formed only by voluntary enlistments.

Appointment of chief engineer and assistants.

SECTION 4. There shall be a meeting of the members of said companies on the third Monday of June in each year, at such place as may be designated by the mayor, when they may nominate and recommend to the common council for appointment one chief engineer, and three assistant engineers, and the common council shall thereupon confirm such nominations; and the person so appointed shall perform such duties as the common council shall prescribe.

Fire warden—his duties.

SECTION 5. At such times the members of said company shall nominate, and the common council shall appoint the fire wardens, who shall perform such duties as the common council shall prescribe, and they may at any time enter into or open any house, storehouse or other building or enclosure for the purpose of inspecting the same and with a view to guard against fire.

Fines, etc., to be paid to fire department.

SECTION 6. One-half of the net proceeds of all fines and penalties recovered for the breach of any ordinance, by-law or regulation made in pursuance of this chapter, shall be paid to the fire department.

Arrests for disobedience of orders and for disorderly conduct.

SECTION 7. Whenever any person shall refuse to obey any lawful order of engineer, fire warden, mayor or aldermen at any fire, it shall be lawful for the officer giving such order to arrest or direct orally the marshal, constable, watchman or citizen to arrest such person, and to confine him temporarily in any safe place, until such fire be extinguished; and in the same manner such officers, or any of them, may arrest or direct the arrest and confinement of any person at such fire who shall be intoxicated or disorderly; and any person who shall refuse to obey any such lawful order or who shall refuse to arrest or aid in arresting any person so refusing, shall be liable to such penality as the common council may prescribe, not exceeding fifteen dollars.

CHAPTER X.

MISCELLANEOUS PROVISIONS.

SECTION 1. All work for the city exceeding the sum of fifty dollars shall be let by contract to the lowest responsible bidder, and due notice shall be given of the time and place of letting such contract.

Work for city to be let by contract.

SECTION 2. All actions brought to recover any penalty or forfeiture under this act or the ordinances, by-laws, police or health regulations made in pursuance thereof, shall be brought in the corporate name of the city. It shall be lawful to declare generally in debt for such penalty, or forfeiture, stating the clause of this act, or by-law or ordinance, under which the penalty or forfeiture is claimed, and to give the special matter in evidence under it. All prosecutions may be commenced by summons or by warrant, as the exigencies of the case may require; *provided*, that nothing herein contained shall be so construed as to prevent any police officer from arresting, without process, any person found in a state of intoxication or guilty of immoderate drinking, improper revelling, noisy, boisterous or disorderly conduct on the streets or public places, and taking such persons forthwith before the police justice of the peace, or keeping them in confinement until such time as said justice can reasonably hear and dispose of such offender.

Actions to be brought in corporate name of city.

Proviso.

SECTION 3. Execution shall issue forthwith on the rendition of judgment, unless the same be stayed or appealed, according to the laws of this state. The execution, except in cases ex-contract, shall require the defendant in any such action, in case no goods or chattels, lands or tenements whereof the judgments can be found, to be imprisoned in the jail of Pierce county for a term not exceeding three months, in the discretion of the justice or judge rendering judgment, unless the same be sooner paid or discharged by the common council.

Executions—persons against whom directed may be imprisoned.

SECTION 4. No person shall be an incompetent judge, justice, witness or juror by reason of his being an inhabitant of said city, in a proceeding or action in which he shall be a party in interest.

Residence not to disqualify witnesses, etc.

SECTION 5. If any election of the people or common council shall not for any cause be held at the time or in the manner herein prescribed, or if the common council shall fail to organize as herein provided, it

When election not held at prescribed time, may be held subsequently.

shall not be considered reason for arresting, suspending or absolving said corporation, but such election or organization may be had at any subsequent day, by order of the mayor, and in case of the failure of the first election, by order of the proper person, be done by any person or persons at any time specified, and if the same are not done and performed such persons or officers may appoint or give notice of another time at which such acts may be done and performed.

Executions against city—how paid.

SECTION 6. When judgment shall be recovered against the city, or any ward thereof, or against any city officer in an action prosecuted by or against him in his name of office, where the same should be paid by the city, no execution shall be awarded or issue upon such judgment, except as herein provided, but the same, unless reversed, shall be levied and collected as other city charges, and when so collected shall be paid by the city treasurer to the person to whom the same shall be adjudged upon the delivery of a proper voucher, but if payment thereon be not made within sixty days after the city treasurer is required to make his return of city taxes, next after rendition of such judgment, execution may be issued thereon, upon the order of the court authorized to issue such execution on a special application therefor, nor shall any execution be levied upon any property of any individual, nor shall such property be in any manner seized, taken, held, or sold for any debt or liability of said city.

Private property not liable for city debts.

Actions against city—how conducted.

SECTION 7. When any suit or action shall be commenced against said city, the service thereof may be made by leaving a copy of the process with the mayor and it shall be the duty of the mayor forthwith to inform the common council thereof or take such other proceedings as the ordinances or resolutions of said council may provide.

City may hold property.

SECTION 8. The said city may lease, purchase and hold real or personal property sufficient for the convenience of the inhabitants thereof, and may sell and convey the same, and the same shall be free from taxation.

General laws not to affect charter.

SECTION 9. No general law contravening the provisions of this act shall be considered as repealing, amending or modifying the same, unless such purpose be expressly set forth in such law.

SECTION 10. No compensation or salary shall be paid out of the city treasury to the mayor or any

alderman of said city for any services while attending any meeting of the common council; and compensation for other services shall not exceed the sum of two dollars per day.

Compensation of city officers.

SECTION 11. The citizens of the town of River Falls shall have power to hold all town meetings, and general or special elections at such place, either in the town of River Falls, or the city of River Falls, as they may determine, in the same manner as if this act had not passed, and with like effect as if held in the town of River Falls.

Town election may be held in city.

SECTION 12. Every license issued by authority of this act or the ordinances of the city, shall be signed by the city clerk and sealed by the corporate seal, but no such license shall be issued by said clerk until the person applying for the same shall have deposited with the clerk the receipt of the city treasurer for the amount required to be paid therefor, nor shall any license be issued for dealing in, selling or vending spirituous, vinous or malt liquors until the same shall have been authorized by the common council, and the applicant shall have filed his receipt as aforesaid, together with a bond as required by the laws of this state, which bond shall be approved by the mayor. Every such license shall contain a clause prohibiting the selling, vending or giving away of any spirituous, vinous or malt liquors on general or special election days.

Licenses—how issued.

SECTION 13. Every person having such license, who shall vend, sell or give away any spirituous, vinous or malt liquors, on any election day, shall be liable to prosecution, under this act, or the ordinances of the city, or may be indicted in the circuit court of the county in which such offense may be committed, and upon conviction thereof, every such offender shall forfeit and pay a sum not exceeding two hundred dollars, nor less than fifty dollars, or to be imprisoned in the jail of such county not more than thirty days nor less than ten days at the discretion of the court, and the license held by such person shall be forfeited and void.

Penalty for selling liquors on election day

SECTION 14. No suit or proceedings shall be commenced or prosecuted to recover title or possession of any lot, piece or parcel of land situated within the city limits, held or claimed by virtue of any deed purporting on its face to be executed on account of any sale for taxes or assessment levied after the passage of this act, until the person commencing the

Proceedings to recover title of lands sold for taxes.

suit or proceeding shall have deposited with the court in which such proceedings is, or shall be commenced for the use of the holders or claimant under such deed, an amount of money equal to the amount of taxes, charges and costs, paid in procuring such deed and all subsequent taxes, costs and charges upon the lot or lands described in such deeds and paid by such holder or claimant under such deed except in case where the taxes were paid before sale, or the lands redeemed according to law. In the trial of every such cause on the part of the defendant, such deed shall be first read in evidence to the jury, and shall be evidence in such suit or proceeding to the extent specified and provided in section 109, chapter 15, title 5. of the revised statutes.

Jail of Pierce county to be used by city.

SECTION 15. The use of the jail of Pierce county, until otherwise provided, shall be granted to said city for the confinement of persons or offenders, and every such offender shall be delivered to the sheriff of said county for whose custody, safe-keeping and delivery the said sheriff shall be responsible as in other cases; but said county shall not incur or pay any liability or expense on account of any person committed to said jail for a violation of any ordinance, by-law, rule or regulation of said city, but such expenses shall be paid by the city.

Relations between city and adjoining towns.

SECTION 16. From and after the first Tuesday of April, A. D. 1875, if this charter be accepted by the electors of said territory, as herein specified, all connections between said territory and the towns of Kinnickinnic, Troy and River Falls, shall cease for town purposes; but said territory shall be liable to pay its just proportion of all indebtedness of such towns, and shall be entitled to receive a like proportion of any surplus in the treasuries of said towns. The town clerks of each of such towns of River Falls, Kinnickinnic and Troy shall immediately after receiving notice of the assessments as equalized by the county board, certify to the city clerk of the city of River Falls the amount of indebtedness of his town of which the said city should pay a proportionate part, and the amount of interest, or principal and interest which said town had determined to pay in such year, and the proportion the territory taken from said towns and incorporated in such city, should pay, which amount shall be determined from the legalized [equalized] assessment made by the county board of supervisors of the county in

which said town is situated. And it is hereby made the duty of the boards of supervisors to determine such relative value from year to year of such portions of such territory so long as such indebtedness shall continue to exist. The city clerk of such city, shall, at the time of making the tax roll of said city each year, carry out upon such tax roll against the property, real and personal, in such territory, a tax sufficient to pay the proportionate amount so certified to him by each town clerk, and the treasurer of said city shall pay over such amount to the treasurer of such town, on or before the first day of February following such assessment, taking the receipt of such treasurer for the same.

Election of aldermen.

SECTION 17. At the first election held in such city, the qualified electors shall elect six aldermen, two in each ward, three of whom shall hold their office one year, and three shall hold their office two years, and each voter shall specify upon his ballot the term for which each alderman shall hold his office. And at every annual elections thereafter there shall be elected three aldermen, who shall hold their offices two years.

Jurisdiction of aldermen.

SECTION 18. The justices of the peace in said city shall have jurisdiction to try all offenses against the ordinances of said city, and may impose such penalties as such ordinances may prescribe.

Supervisors.

SECTION 19. The qualified electors in each ward in said city shall annually elect one supervisor to represent such ward in the county board of the county in which said ward is situated.

SECTION 20. This act shall be in force and take effect from and after its passage and publication.

Approved March 5, 1875.

CHAPTER 298.

[*Published March* 12, 1875.]

AN ACT to create a board of park commissioners for the west side of the city of Milwaukee.

The people of the state of Wisconsin, represented in Senate and Assembly, do enact as follows:

Board of park commissioners.

SECTION 1. Alexander Mitchell, William Pitt

Lynde, John Plankington, Louis Auer, and Sherborn S. Merrill, together with their successors, are hereby constituted a board of public park commissioners, for the second and fourth wards of the city of Milwaukee, to be known under the name of the "west side park commissioners," and in case of the failure of any of said persons to accept such appointment and to qualify thereunder as hereinafter provided, within fifty days after the passage of this act, the place of such person in said commission shall be thereby vacated, and it shall be the duty of a majority of the commissioners named in this act, to appoint some suitable person to fill the place thus made vacant, which appointment, when accepted by such nominee, shall constitute such person a commissioner under this act, and a majority of said commissioners shall so continue to nominate until the board shall consist of five persons. Each of said commissioners, before entering upon the duties of his office, shall take an oath to well and properly discharge the duties of his office for the interest of the public, which oath shall be reduced to writing, subscribed to by him and filed in the office of the city clerk. They shall each give a bond in the penal sum of thirty thousand dollars, to the treasurer of the city of Milwaukee, and conditioned for the faithful discharge of their duties under this act.

Vacancies—how filled.

Commissioners to take oath and give bonds.

Terms of office to be decided by lot.

SECTION 2. As soon as convenient after the said board shall be constituted as aforesaid, the members thereof shall decide by lot at a meeting to be called by any three of them as to the respective terms for which each member shall hold his office; the number of lots shall equal the number of commissioners, and the person drawing longest term shall serve for five years from the first day of May, A. D. 1875. The one drawing the next, shall serve for four years from said date. The one drawing the next shall serve for three years from said date, and so on until the term of each one of said commissioners shall be definitely determined, each one serving for the length of time inscribed on the lot drawn by him, the last of said commissioners serving for the term of one year only from said first day of May, A. D. 1875. As soon as the terms of office of each of said commissioners shall be determined as aforesaid, said board shall organize by electing one of their number president; they shall also appoint a treasurer from their number, prescribe his duties and fix his compensation,

Officers of board.

who shall give bond for the faithful discharge of his duties, in the penal sum of thirty thousand dollars additional, which bond shall be approved by the judge of the county court of Milwaukee county, and when executed be deposited with the city clerk. They shall also choose a secretary, who shall not necessarily be a commissioner, and who shall hold his office until his successor shall be appointed, as hereinafter provided, and all officers appointed by the board shall be subject to removal at pleasure of the board. The said board shall adopt a seal and alter the same at pleasure; they shall keep a complete record of all their proceedings, which shall be open at all times for the inspection of the public. The said commissioners shall receive no compensation for their services, except the treasurer (and the secretary, if a member of the board holds that office), but they may in the discretion of said board, have and receive such compensation as may be fixed as hereinafter provided, not to exceed two thousand dollars per annum. All vacancies occurring in said board shall be filled by appointment by the board. The said board of commissioners shall annually elect a successor for the outgoing member at a meeting to be held annually on the second Monday of January, of each year, at 10 o'clock A. M., to be adjourned from day to day till an election shall be had. If for any cause the commissioners fail to meet on that day, then such meeting shall be held on the next succeeding Monday. All vacancies occurring in such board shall be filled by the remaining members at a meeting to be called especially therefor. And every commissioner shall, before he shall enter upon the duties of his office, give bond in the sum of thirty thousand dollars conditioned for the faithful discharge of the duties of his office under this act. Said board of commissioners shall be a body politic and corporate, and shall have and enjoy all the powers necessary for the purposes of this act.

Compensation of officers.

Elections.

Commissioners to give bonds.

SECTION 3. The president, treasurer, and secretary shall be elected annually by said board, at the annual meeting thereof. The president and treasurer shall receive such salary for their services as said board shall, from time to time, determine, not exceeding the sum of five hundred dollars, and the secretary not exceeding two thousand dollars per annum.

Election and salaries of officers of board.

SECTION 4. At the next charter election after the passage of this act, the question whether such com-

Question of laying out park to be submitted

to voters, and if carried, lands to be selected.

missioners shall proceed to lay out a park shall be submitted to the qualified voters of the second and fourth wards, who shall vote by ballot for a park or against a park. If a majority of the votes cast in both wards are for a park, then said commissioners shall, as soon thereafter as practicable, select a suitable site, in extent not less than 80 and not more than 150 acres of land, in the second or fourth wards of the city of Milwaukee, county of Milwaukee, and state of Wisconsin, in such shape and position as they shall see fit, west of Twenty-third street in said wards, which said land and premises, when acquired by said commissioners as provided by this act, shall be held, managed, and controlled by them and their successors as a public park, for the recreation, health, and benefit of the public, and free to all persons forever, subject to such necessary rules and regulations as shall from time to time be abopted by said commissioners and their successors, for the well ordering and government of the same. If a majority of the votes cast in one of said wards shall be for a park, and in the other against a park, than the commissioners shall proceed to lay out a park in the ward so voting for a park, having regard to the feasibility of connecting the same with a park thereafter to be laid out in the ward voting against it; and annually thereafter the question shall be submitted to the voters of the ward voting against a park, till the question shall be carried; and whenever the question shall be carried in favor of a park, the commissioners shall proceed to lay out a park in such ward; both of which parks, taken together, shall not exceed the quantity of land above limited. If the majority of voters in both wards shall be against a park, then the question shall be annually submitted in each ward, until a majority of votes in both wards shall be for a park.

In case votes in one ward are for park and in the other against park, question to be submitted annually.

In case both wards vote against park.

Lands required may be condemned.

SECTION 5. In case the said commissioners can not agree with the owners or owner, lessees or occupants of any of said real estate selected by them as aforesaid, they may proceed to procure the condemnation of the same in the manner prescribed in chapter six, of an act to revise, consolidate and amend the charter of the city of Milwaukee, approved February 20th, 1852, and the several acts amendatory thereof, approved March 10th, 1874; *provided, however*, that for the purpose of this act the commissioners shall have the same powers of petition as freeholders under

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the act referred to, and the common council shall act upon the petition of the said commissioners the same as though the petition was signed by ten freeholders, and shall in all the proceedings of condemnation, assessment of benefits and damages, appeals and all other things, be guided by the chapter of the act referred to, and require no bond.

Map of lands acquired to be made and filed for record.

SECTION 6. When the title to the land and property selected for such park, as herein provided, shall have been acquired by said commissioners by gift, purchase, condemnation, or otherwise, it shall be the duty of such commissioners to make, acknowledge and file for record in the office of the register of deeds for Milwaukee county, a map showing the said lands with a correct description thereof by metes and bounds, section, township and range, and signed by the said commissioners. They shall also file for record all deeds acquired upon such land.

Amount required for purchase of lands, to be assessed on property benefited.

SECTION 7. As soon as the amount required for the purchase or condemnation of the grounds and property selected for said park shall have been ascertained by said commissioners, with reasonable certainty, the commissioners of public works of said city shall proceed to assess the amount so ascertained *pro rata* upon all the real and personal property in the second and fourth wards of the city of Milwaukee, benefited by reason of the improvement occasioned by the location of said park; *provided*, that the aggregate of said benefits is equal to or greater than the amount of said damages; and in case the aggregate of the benefits is less than the damages, then the balance of the damages over the benfits shall be paid from the fund provided for in section eight of this act. Upon entering on the duties of their office, the said assessors shall give at least six days' notice in one of the daily papers, of the time and place of their meeting for the purpose of making said assessment, and may adjourn such meeting from time to time until the same shall be completed. In making the said assessment, the said assessors shall estimate the value of the several lots, parts of lots, parcels of land benefited for the purposes of this "act," to be of the same value, determined by the last preceding assessment for state, county and city taxes. The amount by them assessed as benefits against the lots, parts of lots, parcels of land, shall be included in [the] next assessment roll. All parties interested may appear before said assessors, and may be heard touching any

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Notice of assessment to be given.

How assessment to be made and collected.

matter connected with the assessment. When the same shall be completed, it shall be signed by the assessors, who shall deliver the same, as completed, duly verified by their respective oaths annexed thereto, as required by law, together with the sworn statements and valuations of all property subject to tax under this act, to the city clerk, who shall file and preserve such statements and valuations in his office. The city clerk, upon receiving such assessment rolls, shall examine and perfect the same, (and extend the same on the tax-roll in manner and form as provided by law), and like proceedings in all respects shall be had for enforcing the collection of the same, as is now provided by law for the collection of city taxes. Ten per cent. of the amount so ascertained and returned, with interest at seven per cent. annual interest, shall be due and payable annually, and it shall be the duty of the common council to annually include ten per cent. of such sum or taxes in the tax levy or warrants for each year until the whole shall be paid, at the time for the collection of city taxes. In the said second and fourth wards assessment roll an appropriate column, to be termed "west side park assessment," shall be made and the ten per cent. of such park assessment collected shall be entered opposite the lots, parts of lots and parcels of land assessed as aforesaid. The money collected under the provisions of this chapter shall be paid to the treasurer of Milwaukee city, for which he and his sureties shall be responsible, as fully as for any other moneys by him received as treasurer of said city, and be held by him in the same manner, and be subject to the same control and direction as provided in this act for other moneys belonging to said corporation, and the treasurer of Milwaukee city shall be entitled to receive the same compensation and no more, for receiving the same as is now allowed by law for collecting taxes in Milwaukee city.

Fees of treasurer.

Authority of commissioners to borrow money and issue bonds.

SECTION 8. For any deficiency arising through acquiring a title to said park, and for the payment of expenses of enclosing, maintaining, and improving the park herein provided for, and the expenses, disbursements and charges in the premises, the said commissioners shall have power to loan or borrow from time to time, for such time as they shall deem expedient, not however to become payable more frequent than one-seventeenth annually, and commencing as near as possible four years from May 1st, 1875.

a sum of money not exceeding three hundred and fifty thousand dollars, and shall have authority to issue bonds secured upon the said park and improvements, which bonds shall issue under the seal of said commissioners, and shall be signed by said commissioners and countersigned by the secretary of said board, and bear interest not exceeding seven per cent. per annum; and it shall be the duty of said commissioners to keep an acurate register of all the bonds issued by them, showing the number, date and amount of each bond, and to whom the same was issued, and said register shall at all times be open to the investigation of the public; and for the payment of the principal and interest of said bonds the said park and improvements shall be irrevocably pledged, and the said second and fourth wards of the city of Milwaukee shall be irrevocably bound; and said bonds may be sold by said commissioners upon such terms and for such prices as in the judgment of said commissioners can be obtained for the same in cash.

Annual assessment for payment of interest and other expenses.

SECTION 9. The said board of park commissioners shall annually, on or before the day set for the meeting of the board of review of the city of Milwaukee, transmit to the city clerk of the city of Milwaukee, an estimate in writing of the amount of money, not exceeding in any one year forty thousand dollars, necessary for the payment of the interest on the bonds issued by said board, and that in addition thereto will be required for the improvement, maintenance and government of said park during the next succeeding year, and the said clerk shall proceed to determine what per cent. said sum is on the taxable property of said second and fourth ward, according to the several assessors' returns for the respective year, and shall in the next general tax warrant for the collection of city taxes in said several wards, set down the amount chargeable to the several persons, corporations, lots, parts of lots or parcels of land, in the separate and appropriate column, and shall receive the same compensation therefor as as is now allowed by law, and the treasurer of said city shall proceed to collect the same in the manner now provided by law for the collection of city taxes, and all the provisions of law in respect to the collection of city taxes and proceedings to enforce the same, as far as applicable, shall apply to said assessment and taxes. The said sum of money shall be placed by the treasurer of the said city of Milwaukee, to the credit of

said board of park commissioners, and shall be drawn by said board from the city treasurer by warrant, signed by the president, and countersigned by the secretary to be appointed as aforesaid, and in no other way. The appointment of such president and secretary being first duly certified by a majority of the park commissioners, such certificates being countersigned by the president and secretary aforesaid, and filed in the office of said treasurer of Milwaukee city.

Authority of commissioners to vacate streets, alleys, etc.

SECTION 10. It shall be lawful for said commissioners to vacate and close up any and all alleys, streets and highways, which may pass through, divide or separate any lands selected or appropriated by them for the purpose of a park; and no such road shall be laid out through said park except such as the said commissioners shall lay out and construct.

Commissioners not to be interested in contract.

SECTION 11. No one of the said commissioners shall be interested, either directly or indirectly, in any contract entered into by them with any other person, nor shall they be interested, directly or indirectly, in the purchase of any materials to be used or applied in and about the uses and purposes contemplated in this act, and it shall be a misdemeanor for any commissioner to be directly or indirectly interested, or in any way pecuniarily interested in any contract or any work of any kind whatever, connected with said park.

Power of county judge to remove commissioners from office, and to appoint others.

SECTION 12. The said commissioners or either of them may be removed from office by the judge of the county court of Milwaukee county, upon the petition presented to him in term time, or in vacation, by one hundred freeholders of said second and fourth wards, if it shall appear after hearing the proof before said judge that the said commissioners or either of them have been guilty of misdemeanor or malfeasance in office under this act, and if the said judge shall remove any two or more of said commissioners from office for any cause, before the expiration of their term of office, he is hereby empowered to appoint others in their stead, who shall fill such offices for and during the unexpired term of such commissioners so removed.

General powers of commissioners.

SECTION 13. The said board shall have the full and exclusive power to govern, manage and direct said park; to lay out and regulate the same, to pass resolutions for the regulation and government thereof, to appoint such engineers, superintendent, clerks, in-

cluding a police force, as may be necessary; to define and prescribe their respective duties and authority, fix the amount of their compensation, and generally in regard to said park, they shall possess all the power and authority now by law conferred upon or possessed by the common council of the city of Milwaukee, in respect to the public squares and places in said city; and it shall be lawful for them to commence the improvement of said park as soon as they have obtained ten acres of premises herein described.

When office of commissioner may be declared vacant.

SECTION 14. The office of any commissioner under this "act," who shall not attend the meetings of the board for three successive months, after having been duly notified of said meetings, without leave of absence from said board, may by said board be declared vacant.

Property of corporation exempt from taxes.

SECTION 15. The real estate and personal property of said corporation shall be exempted from taxation and assessment.

All money to be devoted to purchase and maintenance of park.

SECTION 16. All moneys belonging or to belong to any park fund now in existence or hereafter to be created, and all bonds, and the proceeds from sales thereof now authorized or hereafter to be authorized to be issued by the city of Milwaukee for park purposes in or to which the second and fourth wards of the city of Milwaukee, may now or shall hereafter be entitled to a distributive share, shall be devoted and applied to the purchase or maintenance and improvement of the park contemplated and created by this act, under the direction and control of the commissioners provided for in this act.

Bonds may be received in payment of assessments.

SECTION 17. The bonds to be issued under this act may be received in payment of any assessment whether such bond or assessment shall have become due or not, upon such terms as shall be fair, just, and equitable; and upon the payment of any assessment, the land upon which the same is assessed shall be free from any lien or liability to pay the same, and such payment shall be reported to the county clerk of Milwaukee, and entered upon the record of assessment.

Second and fourth wards exempt from support of parks in other parts of city.

SECTION 18. From and after the time when the commissioners created by this act shall have entered upon their duties as such commissioners, and selected a site for the park contemplated hereby, and obtained title thereto by purchase, condemnation or otherwise, the second and fourth wards of said city of Milwaukee shall forever be exempted from the payment of any tax or assessment, for the purpose of purchasing,

maintaining or beautifying any park in said city, other than the one contemplated in this act.

SECTION 19. This act shall take effect and be in force from and after its passage.

Approved March 5, 1875.

CHAPTER 299.

[*Published March* 23, 1875]

AN ACT to prescribe the duties and regulate the fees of the lumber-inspector of the fourth district

The people of the state of Wisconsin, represented in Senate and Assembly, do enact as follows:

Descriptions of marks upon logs to be filed in inspector's office.

SECTION 1. All persons who shall cut and manufacture logs and lumber in the fourth district of this state, shall, within thirty days thereafter, file an accurate description of their several marks upon said logs and lumber in the office of the lumber inspector of said district, and it is hereby made the duty of the lumber inspector of said district to record said marks the discription of which shall be filed in his office as aforesaid, for which he shall be entitled to receive, as fees, the sum of twenty cents for any mark so recorded.

Fees for recording.

Penalty for refusal to record marks.

SECTION 2. Any person who shall hereafter cut and manufacture logs and lumber in said fourth district, and shall neglect or refuse to comply with the requirements of this act in violation with filing of the descriptions of said marks as set forth in the preceding section, is hereby declared to be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than twenty-five dollars nor more than one hundred dollars, of which offense justices of the peace shall have concurrent jurisdiction with the circuit court.

Duty and fees of lumber inspector.

SECTION 3. It is hereby made the duty of the lumber inspector of said district to enter upon and scale all logs and lumber cut in said district, and to report to the legislature of this state, annually, the amount and number of logs cut in his district in each year. And when said logs, lumber and marks shall have been so surveyed and scaled, the owner or owners of the same shall pay upon demand therefor, as the fees

of said lumber inspector, the sum of five cents per thousand feet therefor. And that the said lumber inspector shall have a lien for said fees upon all logs and lumber scaled by him under the provisions of this act; which lien may be enforced in the same manner as the lien of laborers thereon.

Sales of logs invalid unless scaled by inspector.

SECTION 4. All sales and all contracts for sale of logs and lumber cut in said district shall be invalid and unlawful unless the same shall have been scaled by said lumber inspector, and a scale bill thereof duly issued and certified by him shall have been made and delivered to the owner or owners thereof.

No action to be maintained.

SECTION 5. And no action shall be maintained in any of the courts of this state upon any contract of sale or contract for the sale of logs or lumber cut in said district, unless the same shall first have been scaled by said inspector.

SECTION 6. All statutes or parts of statutes inconsistent with the provisions of this act, are hereby repealed.

SECTION 7. This act shall take effect and be in force from and after its passage and publication.

Approved March 5, 1875.

CHAPTER 300.

AN ACT to extend the benefits of chapter 117, of the general laws of 1864, as amended by subsequent acts, to Mrs. J. Coleman.

The people of the state of Wisconsin, represented in Senate and Assembly, do enact as follows:

Volunteer aid extended.

SECTION 1. The benefits extended to the families of the volunteer soldiers of Wisconsin by the provisions of chapter one hundred and seventeen (117), general laws of 1864, as amended by subsequent acts, are hereby extended to Mrs. J. Coleman, of the town of Albion, county of Jackson.

Appropriation.

SECTION 2. The Secretary of State is hereby authorized and directed, on the receipt of Mrs. J. Coleman, to draw his warrant on the State Treasurer in her favor for the sum of five (5) dollars per month from the 5th day of October, 1861, to the 4th day of November, 1864.

SECTION 3. This act shall take effect and be in force from and after its passage.

Approved March 5, 1875.

CHAPTER 301.

[*Published March 24, 1875.*]

AN ACT to legalize the action of the board of supervisors of Burnett county in letting the building of the court house in said county.

The people of the state of Wisconsin, represented in Senate and Assembly, do enact as follows:

Acts legalized.

SECTION 1. The proceedings of the board of supervisors of the county of Burnett in letting the building of the court house in said county to the lowest bidder, in the month of January, 1875, are hereby legalized and declared to be as valid for all purposes as though they had in all respects complied with the law in respect to such proceedings.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 5, 1875.

CHAPTER 302.

[*Published March 24, 1875.*]

AN ACT to establish a ferry across Lake St. Croix, in section 27, in township 30, range 20.

The people of the state of Wisconsin, represented in Senate and Assembly, do enact as follows:

Authority to maintain ferry.

SECTION 1. John H. Magney, his associates, heirs and assigns, shall have the exclusive right and privilege for the period of ten years of keeping and maintaining a ferry across the St. Croix Lake in section twenty-seven (27), in township thirty (30), north of range number twenty (20) west, in St. Croix county, to the opposite shore in the state of Minnesota.

SECTION 2. The said John H. Magney, his associates or assigns, shall, within sixty days after the passage of this act, place and maintain at the aforesaid place such good, sufficient, safe and convenient boat or boats as may be necessary to convey across said St. Croix Lake all teams, horses, cattle or other property, and for the accommodation of foot-passengers as may wish to take passage thereon across said lake when said lake is unobstructed by ice or logs; and shall convey said teams, horses, cattle or other property, and foot-passengers at all times and hours when they desire. Incorporator to furnish transportation.

SECTION 3. The said John H. Magney, his associates or assigns, may land their boats, passengers, and property on any public highway which now does or may hereafter terminate within the limits above specified, or on the lands of any person, they having first procured permission of said owners so to do. May land boats on public highways.

SECTION 4. The tolls charged for crossing said ferry shall not exceed the following rates: For each foot-passenger five cents; for each horse, mare or mule, with or without rider, twenty-five cents; for each two-horse, two-mule or two-ox team, loaded or unloaded, with or without driver, thirty (30) cents; for each single horse and wagon, or buggy, with or without passengers, twenty-five (25) cents; for each additional horse, mare or mule, twenty (20) cents, for each swine or sheep, five cents; all freight or merchandise, or other articles not in teams, at the rate of five cents per hundred pounds, and seventy-five cents per thousand feet for lumber; *provided*, that when passengers, team-horses, cattle and swine, or other property, shall be crossed after 9 o'clock at night and before six o'clock in the morning, the said Magney, his heirs, associates or assigns, may demand double the rates herein provided. Rates of toll.

SECTION 5. If said parties, their heirs or assigns or any ferryman or other person employed by them shall take, exact or receive any greater or higher rate of ferriage for transporting persons, goods or chattels, or other thing whatsoever than is allowed by this act, the said corporator, his heirs or assigns, shall be liable to the party aggrieved in the sum of ten dollars for every such act, which may be recovered before any justice of the peace in said county. Penalty for higher charges.

SECTION 6. Any person who shall carry persons, cattle or teams across said St. Croix Lake within the limits of this ferry, shall be liable to pay the sum of Penalty for infringement.

ten dollars for each and every such offense, to be recovered before any justice of the peace in the said county by and for the use of any person entitled by law to sue for the same.

SECTION 7. This act shall take effect and be in force from and after its passage and publication.

Appproved March 5, 1875.

CHAPTER 303.

[*Published March* 17, 1875.]

AN ACT to encourage the construction of railroads in and through the state of Wisconsin.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Authority to construct bridge.

SECTION 1. The Green Bay and Minnesota railroad company, formerly known as the Green Bay and Lake Pepin Railway Company, is hereby authorized and empowered to build and construct a bridge across the Mississippi river, commencing at the most feasible point in Buffalo county, for the purpose of crossing the same with a railway track or tracks; *provided*, such bridge [is] so constructed, with sufficient draws, that the navigation of the river shall not be unnecessarily incommoded thereby; *provided further*, that said bridge shall be so constructed as to comply with all the restrictions and requirements of the act of Congress approved July 25th, 1866, entitled, "An act to authorize the construction of certain bridges and to establish them as post roads." And the said company is hereby invested with full power and authority to issue certificates of stock or bonds, to be secured upon the line of its road or bridge, to an amount equal to the cost of the construction thereof, and to use such issue of stock and bonds in payment and satisfaction for such construction, and the said Green Bay and Minnesota Railroad Company is hereby authorized and empowered to build, construct, or purchase and complete any railway to be hereinafter, in whole or in part, constructed in the state of Minnesota, having its terminus on the Mississippi river opposite, or nearly so, to any present or future

Company authorized to issue stock or bonds.

terminus of the Green Bay and Minnesota Railroad, and to use for the building or purchases and completion of such railroad sufficient of its stock or bonds, secured by mortgage as aforesaid, to an amount equal to the cost of such building, or purchase and completion, as the case may be.

SECTION 2. This act shall take effect and be in force from and after its passage.

Approved March 5, 1875.

CHAPTER 304.

[*Published March* 23, 1875.]

AN ACT to permit town insurance companies to insure the real and personal property of the inhabitants of any adjoining towns in the same county where such town insurance companies may be located, without reorganization, in conformity with the present town insurance law.

The people of the state of Wisconsin, represented in Senate and Assembly, do enact as follows:

Lawful to insure property in adjoining towns.

SECTION 1. It shall be lawful for any organized town insurance companies in this state, without reorganization, to insure the real and personal property of the inhabitants of any adjoining towns in the same county where such town insurance company may be located, in the same manner and at the same rates of insurance as said town insurance companies are now or may be hereafter permitted to do under the present town insurance laws, and their own corporate by-laws.

Officers may be chosen from adjoining towns.

SECTION 2. It shall be lawful for such organized town insurance companies, from time to time, as occasion requires, to choose any of their officers from such adjoining towns, as they would be permitted to do if such adjoining towns had been embraced in their territory at its organization.

SECTION 3. This act shall take effect and be in force force from and after its passage.

Approved March 5, 1875.

CHAPTER 305.

[*Published March* 25, 1875.]

AN ACT to re-enact chapter 533 of the general laws of 1865, entitled "An act to accept the grant of lands made to the state of Wisconsin by act of Congress approved June 25th, 1864, to aid in the construction of a military road from Wausau to Lake Superior."

The people of the state of Wisconsin, represented in Senate and Assembly, do enact as follows:

Preamble.

SECTION 1. Whereas, it has been established by the decisions of the United States Courts, that the title to lands granted by Congress to the state of Wisconsin, for specific purposes of improvement, remains in the state subject to its disposition for the specific purposes designated by such grants, notwithstanding the time for the completion of such improvements has expired; now therefore, chapter five hundred and thirty-three (533) of the general laws of this state for the year 1865, approved April 10, 1865, and entitled "an act to accept the grant of lands made to the state of Wisconsin, by act of Congress approved June 25th, 1864, to aid in the construction of a military road from Wausau, Marathon county, to Lake Superior," is hereby re-enacted and declared to be in full force and effect.

Re-enacted.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 5, 1875.

CHAPTER 306.

[*Published March* 11, 1875.]

AN ACT to transfer the Soldiers' Orphans' Home to the custody of the Regents of the State University.

The people of the state of Wisconsin, represented in Senate and Assembly, do enact as follows:

Regents of state university authorized to establish medical college.

SECTION 1. The Regents of the [State] University of Wisconsin shall succeed to the custody of the property known as the Soldiers' Orphans' Home, and that said Regents be and they are hereby authorized to

establish a medical college or course of lectures upon all the branches usually taught in such colleges, contemplated by chapter 114, general laws of 1866, when in their judgment such college is required by the medical profession of the state. And said Board of Regents may occupy said property and buildings for such purpose.

SECTION 2. [The] all laws giving the control and custody of this property to the Trustees of the Soldiers' Orphans' Home, is hereby repealed. Repealed.

SECTION 3. This act shall take effect and be in force from and after its passage.

Approved March 5, 1875.

CHAPTER 307.

[*Published March* 24, 1875]

AN ACT to repeal chapter 69, of the private and local laws of 1872, entitled, "An act for the preservation of game in the counties of St. Croix, Polk and Burnett."

The people of the state of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. Chapter sixty-nine (69), of the private and local laws of 1872, entitled, "An act for the preservation of game in the counties of St. Croix, Polk and Burnett," is hereby repealed. Repealed.

SECTION 2. This act shall take effect from and after its passage.

Approved March 5, 1875.

CHAPTER 308.

[*Published March 24, 1875.*]

AN ACT enabling the county of Shawano to carry out the provisions of an act entitled "An act to authorize the establishment, and aid in the maintenance of free high schools, and to authorize the commissioners of school and university [lands] to loan a portion of the trust fund to the county of Shawano."

The people of the state of Wisconsin, represented in Senate and Assembly, do enact as follows:

Commissioners of school and university lands authorized to make loan of trust funds to county of Shawano.

SECTION 1. For the purpose of enabling the county of Shawano to build and erect suitable buildings for a county high school in the city of Shawano, and to carry out the provisions of an act entitled "An act to authorize the establishment and aid in the maintenance of free high schools, and for no other purpose, the commissioners of school and university lands are hereby authorized to loan a portion of the trust funds of this state, not less than five thousand dollars, to the county board of supervisors of Shawano county, in this state, and the said board of supervisors is hereby authorized to borrow a sum not exceeding the amount above named of said commissioners, and to issue to said commissioners certificates of indebtedness so contracted. Said indebtedness shall bear interest at the rate of seven per cent. per annum. Said interest shall be paid annually, together with not less than one-tenth of the principal sum until the whole is paid.

Secretary of state to add interest and 10 per cent. of principal of debt to annual apportionment of taxes to Shawano county.

SECTION 2. Each and every year, until the whole loan be repaid, the secretary of state shall, when he apportions the state taxes among the several counties, add to the state tax which would be properly chargeable to the county of Shawano, the annual interest due the state on said loan, together with ten per cent. of the principal sum so loaned, and the same shall be levied and collected out of the taxable property of said county and paid over to the state in the same manner as other state taxes are collected and paid.

County board to provide for payment of same.

SECTION 3. At the time and in the manner provided for levying taxes for state and county purposes, the board of supervisors of the said county of Shawano shall levy the amount of money required for the payment of the annual interest, and not less than

one-tenth of the principal sum loaned by the commissioners of the school and university lands to the county board of supervisors of said county of Shawano, as provided for in the preceding sections of this act.

Town refusing to unite in high school district to be exempt from payment of principal or interest of sum borrowed.

SECTION 4. Should any town or towns in the said county of Shawano, with taxable property not exceeding one-quarter of the entire valuation of said county, refuse to unite with the [other] towns into one high-school district, then the supervisors of the said county shall levy and collect the amount of money required for the payment of the annual interest, and not less than one-tenth of the principal sum loaned by the commissioners of school and university lands to the said supervisors of Shawano county, out of the taxable property of all the towns uniting into one high-school district under the provisions of the act mentioned in the first section of this act.

SECTION 5. This act shall take effect and be in force from and after its passage.

Approved March 5, 1875.

CHAPTER 309.

[*Published March* 23, 1875.]

AN ACT to appropriate one hundred dollars to each industrial society of the state holding an annual fair.

The people of the state of Wisconsin, represented in Senate and Assembly, do enact as follows:

Appropriation to industrial societies.

SECTION 1. There is hereby annually appropriated one hundred dollars to each industrial society of the state holding an annual fair, and reporting to the secretary of state and the secretary of the state agricultural society, as now required by law for county societies; *provided*, the receipts of such annual fair shall amount to eight hundred dollars, and to not more than two societies in any one county.

Proviso.

SECTION 2. All acts and parts of acts contravening the provisions of this act are hereby repealed.

SECTION 3. This act shall take effect and be in force from and after its passage.

Approved March 5, 1875.

CHAPTER 310.

AN ACT to appropriate to Roby, Burke and company, phonographic reporters, the sum of two hundred and ninety-six dollars and nineteen cents.

The people of the state of Wisconsin, represented in Senate and Assembly, do enact as follows:

Appropriation.

SECTION 1. There is hereby appropriated to Roby, Burke and company, phonographic reporters, out of any money in the treasury not otherwise appropriated, the sum of two hundred and ninety-six dollars and nineteen cents in full payment for services as such phonographic reporters, in reporting and transcribing testimony, etc., taken before the judiciary committee of the Assembly in the matter of the petition praying for the impeachment of Hon. David W. Small, judge of the circuit court of the second judicial circuit, and Jared Thompson, jr., court commissioner.

SECTION 2. This act shall take effect and be in force from and after its passage.

Approved March 5, 1875.

CHAPTER 311.

AN ACT to appropriate to John W. Brackett, Sergeant-at-Arms of the Assembly, the sum of two hundred and twenty-eight dollars and ten cents.

The people of the state of Wisconsin, represented in Senate and Assembly, do enact as follows:

Appropriation.

SECTION 1. There is hereby appropriated to John W. Brackett, Sergeant-at-Arms of the Assembly, out of any money in the treasury not otherwise appropriated, the sum of two hundred and twenty-eight dollars and ten cents, in full payment for travel and expenses in subpœnaing witnesses in the matter of the petition praying for the impeachment of Hon. David W. Small, judge of the circuit court of the second judicial circuit, and Jared Thompson, jr., Esq.

SECTION 2. This act shall take effect and be in force from and after its passage.

Approved March 5, 1875.

CHAPTER 312.

[*Published March* 24, 1875.]

AN ACT to appropriate a certain sum of money to Chicago, Milwaukee and St. Paul Railway Company.

The people of the state of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. There is hereby appropriated to Chicago, Milwaukee and St. Paul Railway Company, out of any money in the treasury not otherwise appropriated, the sum of thirty-one thousand three hundred and twenty-two dollars and seventy-eight cents, in full for taxes and interest erroneously paid by said company into the state treasury. Appropriation.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 5, 1875.

CHAPTER 313.

[*Published March* 24, 1875.]

AN ACT to appropriate to the institution for the education of the deaf and dumb, a sum of money therein named, for permanent improvements.

The people of the state of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. There is hereby appropriated to the institute for the deaf and dumb, out of any money in the general fund not otherwise appropriated, the sum of fifteen hundred dollars, for the purpose of building a new smoke-stack. Appropriation.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 5, 1875.

CHAPTER 314.

[*Published March 23, 1875.*]

AN ACT to provide against extraordinary conflagrations, and for the creation of safety funds by fire insurance companies.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Lawful for fire insurance companies to create special funds.

SECTION 1. Thereafter [hereafter] it shall be lawful for any fire insurance company organized under the laws of this state to create the funds herein provided for, to be known and designated as the quarterly [guaranty] surplus fund and the special reserve fund, and to avail itself of the provisions of this act, upon complying with the requirements thereof.

How funds may be created.

SECTION 2. Any fire insurance company desiring to create such funds shall, and it is hereby authorized to do so upon the adoption of a resolution by its board of directors, at a regular meeting thereof, and filing with the Secretary of State a copy thereof, declaring the desire and intention of such company to create such funds and to do business under the provisions of this act; and as soon after the filing of such copy of the resolution as convenient, the Secretary of State shall make, or cause to be made, an examination of such company, and he shall make a certificate of the result thereof, which shall particularly set forth the amount of surplus funds held by such company at the date of such examination, which under the provisions of this act are to, and may be equally divided between and be set apart to, constitute said guaranty surplus and special reserve funds, which certificate shall be recorded in the insurance department; and from and after the date of the recording of said certificate, all the policies and renewals of policies issued by said company shall have printed thereon by said company a notice that the same are issued under and in pursuance of this act, referring to the same by its chapter, date and title, and such policies and renewals shall be deemed to have been issued and received subject to the provisions of this act.

Secretary of State to make examination of company and make certificates.

Policies to contain certain notice.

Unlawful for companies to pay dividend exceeding 7 per cent. until

SECTION 3. After the date mentioned in any such resolution so passed and filed, it shall not be lawful for such company to make, declare or pay in any form, any dividend upon its capital stock exceeding

seven (7) per cent. per annum thereupon and upon the surplus funds to be formed hereunder, until after its guaranty surplus fund and its special reserve fund shall [have] together accumulated to an amount equal to its said capital stock; and the entire surplus profits of such company above such annual dividend of seven (7) per cent. shall be equally divided between, and be set apart to constitute the said guaranty surplus fund and the said special reserve fund, which said funds shall be held and used as hereinafter provided, and not otherwise; and any company doing business under this act, which shall declare or pay any dividend contrary to the provisions herein contained shall be liable to be proceeded against by the attorney-general for the [its] dissolution.

Special funds equal capital stock.

Surplus profits to be divided between quarterly surplus and special reserve funds.

SECTION 4. Said guaranty surplus fund shall be held and invested by such company the same as its capital stock and surplus accumulation, and shall be liable and applicable in the same manner as the capital stock to the payment generally of the losses of such company.

How guaranty surplus fund to be held and invested.

SECTION 5. Said special reserve fund shall be invested according to existing laws relating to investments of capital by fire insurance companies, and shall be deposited from time to time as the same shall accumulate and be invested, with the state treasurer, who shall permit the company depositing the same to change such deposits by substituting for those withdrawn others of equal amount and value to, and collect and receive the interests or dividends upon such securities as the same may accrue; and such special reserve fund shall be deemed a fund contributed by the stockholders to protect such company and its policy holders other than claimants for losses already existing, or then incurred, in case of such extraordinary conflagration or conflagrations as hereinafter mentioned; and said fund shall not be regarded as any part or portion of the assets in possession of said company so as to be or render the same liable for any claim or claims for loss by fire or otherwise except as herein provided.

Investments to be deposited with State Treasurer.

Special reserve fund—what deemed, and how used.

SECTION 6. In estimating the profit of any such company for the purpose of making a division thereof between said guaranty surplus fund and such special reserve fund, there shall be deducted from the gross assets of the company, including for this purpose the amount of the special reserve fund, the sum of the following items: First, the amount of all out-

How estimate of profit of company to be made.

CHAPTER 310.

AN ACT to appropriate to Roby, Burke and company, phonographic reporters, the sum of two hundred and ninety-six dollars and nineteen cents.

The people of the state of Wisconsin, represented Senate and Assembly, do enact as follows:

Appropriation.

SECTION 1. There is hereby appropriated to Roby, Burke and company, phonographic reporters, out of any money in the treasury not otherwise appropriated, the sum of two hundred and ninety-six dollars and nineteen cents in full payment for services as such phonographic reporters, in reporting and transcribing testimony, etc., taken before the judiciary committee of the Assembly in the matter of the petition praying for the impeachment of Hon. David W. Small, judge of the circuit court of the second judicial circuit, and Jared Thompson, jr., court commissioner.

SECTION 2. This act shall take effect and be in force from and after its passage.

Approved March 5, 1875.

CHAPTER 311.

AN ACT to appropriate to John W. Brackett, Sergeant-at-Arms of the Assembly, the sum of two hundred and twenty-eight dollars and ten cents.

The people of the state of Wisconsin, represented in Senate and Assembly, do enact as follows:

Appropriation.

SECTION 1. There is hereby appropriated to John W. Brackett, Sergeant-at-Arms of the Assembly, out of any money in the treasury not otherwise appropriated, the sum of two hundred and twenty-eight dollars and ten cents, in full payment for travel and expenses in subpœnaing witnesses in the matter of the petition praying for the impeachment of Hon. David W. Small, judge of the circuit court of the second judicial circuit, and Jared Thompson, jr., Esq.

SECTION 2. This act shall take effect and be in force from and after its passage.

Approved March 5, 1875.

pany, and of its guaranty surplus fund, and of its assets, excepting only such special reserve fund and an amount of its assets equal to the liability of the company for unearned premiums as so certified by the Secretary of State, such company shall be forever discharged from any and all further liability to such claimants and to each of them; and the said superintendent shall, after issuing his said certificate, upon the demand of such company, transfer to it all such securities as shall have been deposited with him by such company as such special reserve fund; and if the amount of such special reserve fund be less than fifty per cent. of the full amount of the capital of the company, a requisition shall be issued by the said Secretary of State upon the stockholders to make up such capital to that proportion of its full amount, in the manner now provided by law in the case of companies with impaired capitals; *and provided further*, that any capital so impaired shall be made up to at least the sum of two hundred thousand dollars ($200,000); and in case said company, after such requisition, shall fail to make its capital to at least said amount of $200,000, as therein directed, said special reserve fund shall still be held as security and liable for any and all losses occurring upon policies of such company after such conflagration or conflagrations. Such company shall, in its annual statement to the insurance department of this state, set forth the amount of such special reserve fund and of its guaranty surplus fund.

Superintendent to transfer securities to company.

When stockholders to make up impaired capital.

Proviso.

Amount o special reserve and guaranty surplus funds to be set forth in annual report.

SECTION 8. If at any time after said special reserve fund shall have been accumulated by any company, it shall appear, upon examination by the said secretary of state, that the capital of such company has in the absence of any such extensive conflagration, become impaired so as to cause him to order a call upon the stockholders to make up such impairment, the board of directors of such company may either comply with such order and require the necessary payment by the stockholders, or, at their option, they may apply for that purpose so much of said special reserve fund as will make such impairment good. No company doing business under this act shall insure any larger amount upon any single risk than is permitted by law to a company possessing the same amount of capital irrespective of the funds hereby provided for.

How impairment of capital may be made up.

Limit of risk.

SECTION 9. This act shall take effect from and after its passage and publication.

Approved March 5, 1875.

CHAPTER 315.

[*Published March 23, 1875.*]

AN ACT to provide for uniformity and the free use of text-books in towns and cities.

The people of the state of Wisconsin, represented in Senate and Assembly, do enact as follows:

School boards may be authorized to purchase text-books.

SECTION 1. The qualified electors of any school district or of any town in which the township system of school government has been adopted may, by legal vote, and the board of aldermen or board of trustees of any city or incorporated village may, by ordinance or resolution, authorize the school board or boards of school directors of such district, town or incorporated city or village to purchase text books for use in the public schools, said text books to be the property of the district, town, village, or city so purchasing and to be loaned to pupils or otherwise furnished to them under such conditions and regulations as the aforesaid school authorities may prescribe.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 5, 1875.

CHAPTER 316.

[*Published March 25, 1875.*]

AN ACT to provide for a better system of popular education in incorporated villages in this state.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. The union school district which is

been incorporated by chapter ——, private and local laws of 1858, and which is embraced in part within the boundaries of the city of Waupaca, shall be a body corporate and sue and be sued by its corporate name; and the legal voters thereof shall have power at any annual meeting or special meeting called for that purpose, to raise by tax upon all the taxable property of said district, such a sum as they may deem necessary not exceeding the limits fixed by constitutional law for the purchase of sites and for the erection of suitable buildings for school purposes in said district. They shall also have power to raise by tax annually upon all the taxable property of said district, a sum not exceeding five thousand dollars, to alter enlarge or repair school buildings outhouses and fences; to purchase apparatus and furniture for the schools of the district; to pay the wages of teachers; to purchase fuel and to defray all the incidental and contingent expenses of said schools, including the the necessary expenses of the board of education, and the salary of the superintendent of schools for said district.

Union school district to be body corporate.

Money may be raised by tax for school purposes.

SECTION 2. At the first annual meeting of said districts held after the passage of this act, the legal voters thereof shall have power, and it shall be their duty to choose by ballot six commissioners of schools for said districts, who shall be residents thereof, and who shall constitute and be denominated the "board of education of the city of Waupaca;" and who shall, within ten days after their election, take and file with the city clerk their oath of office.

Board of Education.

SECTION 3. Within ten days after the election provided in the preceding section, the said commissioners so elected shall meet at the office of the city clerk of said city, and shall by lot cause themselves to be divided into three classes, to be denominated, "first," "second," and "third" classes. The term of office of the first class shall expire at the end of one year from the time of said annual meeting; the second class at the end of two years, and the third class at the end of three years thereafter.

Terms of office to be decided by lot.

SECTION 4. There shall, in like manner, in each year after the first annual meeting, and at each and every annual meeting thereafter of said district, be elected two commissioners of schools for said district to supply the places of those whose term of office is about to expire. They shall hold their offices

Election of school commissioners.

for three years, and until their successors shall have been elected and duly qualified.

Powers of board of education.

SECTION 5. The said board of education shall have and exercise all the powers and privileges which are by law conferred upon the boards of common school districts, in addition to the powers and privileges conferred by this act, and not inconsistent therewith. They shall also be liable to all the restrictions, penalties, forfeitures and fines imposed by law upon school district boards for neglect of duty or for illegal actions. A majority of the board shall at all times constitute a quorum for the transaction of business.

President of board.

SECTION 6. At the first meeting of such board after their election and qualification they shall choose one of their number president, and whenever he shall be absent, a president *pro tem* may be appointed. They shall also have power, and it shall be their duty, to elect a superintendent of schools for said district, who shall be a resident thereof, and who shall, before entering upon the duties of his office, take and subscribe the same oath of office as the members of said board are required to do, and file the same in the same place. The said superintendent shall hold his office during the pleasure of such board of education, and until his successor shall have been chosen and qualified. He shall receive such compensation for the time actually and necessarily spent in the discharge of the duties of his office as may be determined by the vote of the electors at any annual meeting of said district. The said commissioners shall receive no compensation for their services.

Superintendent of schools.

Duties of superintendent of schools.

SECTION 7. The superintendent shall be ex-officio a member of said board of education, and clerk thereof. He shall keep a record of their proceedings, which shall be at all times open for the inspection of the citizens of such district. A transcript of said record, certified by the president and clerk of said board, shall be received in all courts and places as prima facie evidence of the facts therein set forth. Said superintendent shall, by and with the advice and co-operation of said board, or of a committee thereof, have the general supervision and management of all the schools of such district organized by said board. He shall also, with the advice and co-operation of said board, or of a committee thereof, prescribe, alter or modify all rules and regulations for the organization, government and instruction of

the schools for the reception of pupils into the different departments thereof, and for the transfer of pupils from one school to another, and generally for their good order, prosperity and public utility. He shall also perform all the duties in respect to said schools that are required to be performed by the clerks of the school-district boards of this state, not inconsistent with this act, and be liable to all penalties imposed by law upon said clerks for any neglect of duty. He shall also perform such other duties as may be imposed upon him from time to time by the said board with respect to such schools. He shall be required by said board to examine and license all teachers employed in said schools, and all certificates granted by him shall have the same force and effect in regard to the schools of such district as certificates issued by county superintendents of schools to other schools of the county. But in case the said board shall not require the said superintendent to examine and license teachers, the same shall be done by the county superintendent of schools.

Treasurer.

SECTION 8. The said board shall elect one of their number treasurer of said district who shall, before he enters upon the duties of his office, take and file his oath of office with the village clerk, and shall execute a bond to such district in the penal sum of not less than twice the amount of moneys to come into his hands, with two or more sureties, to be approved by the board conditioned for the faithful performance of the duties of his office and for the faithful accounting of all moneys belonging to said district that may come into his hands as such treasurer. He shall hold his office for one year and until his successor shall have been appointed and qualified. The taxes voted under the provisions of this act shall be levied, collected, and paid over in the manner provided by law for the assessment and collection of school district taxes. The treasurer of said district shall receive such compensation for his official services as the board may allow.

Taxes—how levied and collected.

Power of board to fill vacancies and remove from office.

SECTION 9. The said board of education shall have power to fill all vacancies in said board arising from death, removal or other cause. The said board shall also have power to remove the superintendent or treasurer for cause at any time they shall deem necessary or proper.

Power of board to establish

SECTION 10. The said board shall have the power, with the money raised by the district for that pur-

schools, to purchase sites and erect buildings.

pose, to organize and establish a high school and to organize and establish as many primary and intermediate schools in said district as they shall deem necessary, including those already organized and established. The said board shall also have the power, and it shall be their duty, out of the moneys furnished by such districts for that purpose, to locate and purchase sites for all the schools in said district; to erect suitable buildings thereon; to alter, repair, enlarge, or otherwise improve any of said buildings; to fence and otherwise improve the school grounds; to sell and transfer any such [sites,] either those now owned by such districts or which may hereafter be purchased, together with the buildings and improvements thereon, and to re-invest the proceeds thereof in more commodious and suitable sites, buildings, and improvements, for the benefit of said district as the said board shall deem proper.

Power of board to discontinue high schools.

SECTION 11. If the said board shall at any time deem it more advantageous, or shall deem it necessary or proper to abandon the high school of said district, and think it best not to continue the same longer, the said board shall have the power to so determine, and they shall also have the power in such case in their discretion to sell or lease the high school building or buildings to such person or persons, and for such time and upon such terms and conditions as they may think proper to be used for an academy or some other institution of letters, science, or learning.

Board to have custody of school property pay teachers, etc.

SECTION 12. The said board shall have the custody, control and safe-keeping of the school-building, outhouses, books, furniture, apparatus, and appendages of all the schools of said district, and the title thereof shall be in the school district. They shall pay the wages of all teachers employed therein out of the school moneys, which shall be provided either by tax or by the appropriation of public moneys for that purpose, and out of money raised by tax they shall defray all the necessary contingent expenses of the said schools, the purchase of libraries and apparatus, the salary of the superintendent, and the incidental expenses of said board.

Non-resident children may attend schools.

SECTION 13 The said board shall have power to allow the children of persons not resident within said district to attend any of the schools thereof upon such terms as said board shall from time to time prescribe, fixing tuition that shall be paid therefor;

but all of said schools shall be absolutely free at all times to all children of suitable age resident within said district, and tuition in the high school shall be free to all of any age who shall reside within the district and whose attainments entitle them to admission by the rules of the board or of the superintendent.

Board to make annual reports.

SECTION 14. It shall be the duty of the board to prepare in detail and report at each and every annual meeting of said district a statement of all moneys by them received and expended for the support of the schools, the erection of school-houses, and for any purpose whatever connected therewith during the preceding year. Such report shall distinctly state the amount received by tax on such districts, the moneys received from the town, city and county treasurer, or from any other source for school purposes. It shall also state the precise manner in which such moneys shall have been expended. They shall also report at such meeting the amount of money necessary in their judgment for the support of schools during the ensuing year. The last fiscal year shall close with the day of the last annual meeting.

Annual meetings.

SECTION 15. The annual meeting of said school districts shall be held on the second Monday in July in each year, at such time and place within such district as may be specified in the notice of election.

Notice of annual meeting to be given.

SECTION 16. It shall be the duty of the superintendent of said school district to give not less than ten days' notice of the time and place of holding such annual meeting, which notice shall be given by publishing the same in some newspaper published in said district, or if there be no newspaper published in the district, then by posting up notices in four conspicuous places in said district ten days before the meeting.

Meeting not deemed illegal for want of notice.

SECTION 17. No annual meeting, however, shall be deemed illegal for want of due notice, unless it shall clearly appear that the omission to give the proper notice was wilful and fraudulent.

Election of officers—how conducted.

SECTION 18. The officers elected at the annual meeting shall be chosen by ballot and the election shall be conducted and the votes canvassed according to such rules and by-laws as may be prescribed by the board of education, except at the first election to be held under the provisions of this act, at which election the present boards of school officers of such district shall preside, and the election held according to

the law governing the election of school district boards. At all subsequent elections the said board of education shall preside and be the judges thereof; special meetings of said district may be called at any time by order of the board of education, by giving six days' notice of the time, place and object of said meeting, either by posting notices thereof in three or more public places in such district, or by causing a notice thereof to be published in some newspaper in such district for one week next preceding the time for holding said meeting.

Special district meeting.

Annual and special meetings of board of education.

SECTION 19. The annual meeting of the board of education shall be held on the first Monday of July, of each year, after said boards are elected. Quarterly meetings thereof shall be held on the first Monday of October, first Monday of January, and first Monday of April of each year. Special meetings thereof may be called by the superintendent or clerk of said boards at any time, at the request of any two members.

How money to be paid out.

Contracts.

SECTION 20. All moneys that shall come into the hands of the district treasurer shall be paid out by him for school purposes, on the order of the board of education, signed by the president and countersigned by the clerk of said board. All contracts with the district or with the board, shall be signed by the president and countersigned by the clerk. The county superintendent of schools of the county of Waupaca shall have the right to change or alter the boundaries of said district, by first obtaining the written consent to such change or alteration, of a majority of all the members of said board of education of said district, and filing the same in the office of the city clerk of the city of Waupaca, but in no other way shall such change or alteration be made.

Change of district boundaries.

General laws to apply to district.

SECTION 21. The laws of this state relating to district schools, shall apply to and govern the said district, so far as the same are not inconsistent with the provisions hereof.

Approved March 5, 1875.

CHAPTER 317.

AN ACT to provide for the payment of witnesses who appeared before the judiciary committee of assembly in the matter of the petition praying for the impeachment of Hon. D. W. Small, judge of the circuit court of the second judicial circuit, and Jared Thompson, court commissioner.

The people of the state of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. It shall be the duty of the chairman of the judiciary committee of the assembly, to file in the office of the secretary of state a certificate, showing the names and residence of each witness who appeared and was sworn before said committee in the matter of the petition praying for the impeachment of Hon. David W. Small, judge of the second judicial circuits and Jared Thompson Jr., Esq., court commissioner, the number of days in attendance and the number of miles each has traveled by the most usual route from his residence to the place where he so testified.

Certificate showing names and residences, etc., of witnesses to be filed in office of Secretary of State.

SECTION 2. Upon the filing of the certificate mentioned in the preceding section, it shall be the duty of the secretary of state to draw his warrant upon the treasury in favor of each of said witnesses for the sum that may be due him for mileage and per diem as is now provided by law for witnesses in like cases.

Secretary of State to draw warrant for amount due.

SECTION 3. There is hereby appropriated out of any money in the treasury not otherwise appropriated a sum of money sufficient to carry out the provisions of this act.

Appropriation.

SECTION 4. This act shall take effect and be in force from and after its passage.

Approved March 5, 1875.

CHAPTER 318.

[*Published March* 24, 1875.]

AN ACT to provide for the disposition of the five per cent. collection fees returned with delinquent taxes in Polk and Burnett counties.

The people of the state of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. The county treasurers of Polk and Bur-

Duties of county treasurer.

nett counties are hereby respectively required, at the time the tax returns are made by the several town treasurers of such counties, to take an account of the five per cent. collection fees returned with delinquent taxes, and credit the same to the towns respectively in which are situated the lands against which such taxes are returned as delinquent. Upon collection of said taxes the said county treasurers shall pay to the officers properly qualified to receive the same, the said five per cent. collection fees therewith collected, for the benefit of the towns entitled to the same.

Conflicting acts repealed.

SECTION 2. All acts or parts of acts conflicting herewith so far as they relate to the above counties, are hereby repealed.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved March 5, 1875.

CHAPTER 319.

[*Published March* 25, 1875.]

AN ACT to provide for the settlement of the town business of the late town of Centralia, in the county of Wood.

The people of the state of Wisconsin, represented in Senate and Assembly, do enact as follows:

Preamble.

WHEREAS, The late town of Centralia, in the county of Wood, has become disorganized by a portion of the territory of said town having been incorporated as the city of Centralia, and another and larger portion of said town having been organized into the town of Port Edwards, therefore,

Town of Port Edwards to be successor of town of Centralia.

SECTION 1. The town of Port Edwards, in the county of Wood, is hereby declared to be the lawful successor of the late town of Centralia, in said county, and said town of Port Edwards is hereby authorized, empowered and required by its proper officers to demand, receive and collect all money, credits, and other property belonging to said town of Centralia, and to settle, pay and discharge all debts and liabilities of said town of Centralia, and the ex-officers of the said town of Centralia shall, on demand, deliver

o the town clerk of said town of Port Edwards all ooks, papers and records belonging to said town.

SECTION 2. The amount of funds remaining (if any) fter settling the indebtedness, or the overplus of the ndebtedness of said late town of Centralia, shall be pportioned to the several corporations now holding he territory of said late town in proportion to the ssessed value of said territory for the year 1873.

Apportionment of funds.

SECTION 3. This act shall take effect and be in force rom and after its passage.

Approved March 5, 1875.

CHAPTER 320.

[*Published March* 23, 1875.]

AN ACT to provide more effectually for the protection of the lands granted by congress to the state of Wisconsin to aid in the construction of the Sturgeon Bay and Lake Michigan ship-canal and harbor.

The people of the state of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. Any person or persons who shall cut, steal, remove, or carry away, or cause to be cut, stolen, removed, or carried away, any timber, logs, trees, wood, lumber or bark, upon or from any of the lands granted by congress to the state of Wisconsin to aid in the construction of the Sturgeon Bay and Lake Michigan ship-canal and harbor, or who shall destroy, injure or cause to be destroyed or injured, or appropriate the same, except when authorized by law, shall be guilty of a misdemeanor, and upon conviction of such offense shall be punished by imprisonment in the county jail of the proper county not more than six months; and by a fine not exceeding one thousand dollars ($1000.)

Penalty for cutting or removing timber etc.

SECTION 2. Any justice of the peace shall have concurrent jurisdiction in his own county with the circuit court of any offense mentioned in the preceding section, where the value of the trees, wood, timber, property or other materials in question, shall be alleged not to exceed the sum of one hundred dollars ($100), and in such case the punishment shall be by fine not exceeding one hundred dollars ($100) nor less than ten dollars ($10.)

Justices of peace to have jurisdiction.

Duty of district attorney.

SECTION 3. It shall be the duty of the district attorney of the county where any offense against the provisions of this act has been committed, to give special attention to the diligent prosecution of the offenses specified in this act, especially upon complaint made to him by the president and timber clerk of said ship-canal and harbor company, or any clerk or agent appointed by him. And it is hereby made the duty of said president and timber clerk to institute prosecutions for the violation of any of the provisions of this act.

Duty of president and timber clerk.

Penalty for resisting or hindering timber clerk or agent.

SECTION 4. Any person who shall knowingly resist, hinder or obstruct, or procure or counsel any one to resist, hinder or obstruct the timber clerk, or his authorized assistant or agent of said Sturgeon Bay and Lake Michigan ship-canal and harbor company, in the discharge of the duties imposed upon him by law as such clerk, assistant or agent, or who shall wilfully remove, disturb or interfere with, or cause to be removed, disturbed or interfered with, any timber or other materials seized by said clerk or said assistant or agent, under the provisions of law authorizing seizure, after notice of such seizure and before such timber or other materials shall be released pursuant to order of said clerk, shall be guilty of a misdemeanor, and shall, upon conviction of such offense be punished by imprisonment in the county jail of the proper county, not more than one year, and by fine not less than one hundred dollars ($100) or more than one thousand dollars ($1,000.)

Certificate of Secretary of State to be prima facie evidence.

SECTION 5. Upon any hearing or trial in any suit or other legal proceeding, or upon any complaint, information or indictment, the certificate of the secretary of state, under the seal of the state, that any specified piece or tract of land is part and parcel of the lands granted by congress to the state of Wisconsin to aid in the construction of the said Sturgeon Bay and Lake Michigan ship canal and harbor, shall be prima facie evidence of the fact or facts stated in such certificate.

SECTION 6. This act shall take effect and be in force from and after its passage and publication.

Approved March 5, 1875.

CHAPTER 321.

AN ACT to appropriate to the Governor a certain sum of money for a contingent fund.

The people of the state of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. There is hereby appropriated to his excellency the Governor, the sum of one thousand dollars, out of any money in the treasury not otherwise appropriated, for a contingent fund. Appropriation.

SECTION 2. This act shall take effect and be in force from and after its passage.

Approved March 5, 1875.

CHAPTER 322.

[*Published March* 11, 1875.]

AN ACT to authorize the improvement of certain streets in the Third ward of the city of Milwaukee, and to authorize the levy of a special tax in said Third ward.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. The board of public works of the city of Milwaukee, are hereby authorized and empowered to cause to be paved with a wooden block pavement, the following streets in the Third ward of said city of Milwaukee, to-wit: Detroit street between East Water street and Broadway, Buffalo street between East Water street and Broadway, Chicago street between East Water street and Broadway, Menomonee street between East Water street and Broadway, Erie street between East Water street and Broadway. The work hereby authorized to be done shall be assessed and payable in the following proportions, to-wit: One-third to the property fronting or abutting on the streets hereby authorized to be paved, and two-thirds to the third ward fund. Authorizing board of public works to pave streets.

SECTION 2. No petition from owners of property, or resolution of the common council of the city of Milwaukee, shall be required for the doing of the No petition or resolution necessary.

nett counties are hereby respectively required, at the time the tax returns are made by the several town treasurers of such counties, to take an account of the five per cent. collection fees returned with delinquent taxes, and credit the same to the towns respectively in which are situated the lands against which such taxes are returned as delinquent. Upon collection of said taxes the said county treasurers shall pay to the officers properly qualified to receive the same, the said five per cent. collection fees therewith collected, for the benefit of the towns entitled to the same.

Conflicting acts repealed.

SECTION 2. All acts or parts of acts conflicting herewith so far as they relate to the above counties, are hereby repealed.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

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Preamble.

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Town of Port Edwards to be successor of town of Centralia.

SECTION 1. The town of Port Edwards, in the county of Wood, is hereby declared to be the lawful successor of the late town of Centralia, in said county, and said town of Port Edwards is hereby authorized, empowered and required by its proper officers to demand, receive and collect all money, credits, and other property belonging to said town of Centralia, and to settle, pay and discharge all debts and liabilities of said town of Centralia, and the ex-officers of the said town of Centralia shall, on demand, deliver

CHAPTER 323.

[*Published March* 23, 1875.]

AN ACT to authorize the establishment and aid in the maintenance of free high schools.

The people of the state of Wisconsin, represented in Senate and Assembly, do enact as follows:

Establishment of free high schools.

SECTION 1. Any town, incorporated village or city in this state, may establish and maintain not exceeding two free high schools whenever a majority of the legal voters voting upon that question at any regular annual meeting thereof, or at any special meeting legally called and held for that purpose, shall determine so to do. The vote upon the question of establishing such high school or schools, shall be taken viva voce, or by ballot, as may be determined by the proper authorities for calling and conducting such annual meeting; and the manner of taking such vote shall be specified in the notices for such meeting whereat such vote is to be taken; *provided*, that whenever it is determined by the proper authorities to take such vote viva voce, the notice thereof shall specify the hour of the day at which such vote shall be taken. *And provided further*, that the electors of any town, or incorporated city or village, may, at the time appointed to take such vote viva voce, order and determine that such vote shall be taken by ballot, and when such order shall be thus made, the vote shall be by ballot. The vote upon the question of establishing high schools in towns, incorporated villages and cities shall be canvassed and determined in the same manner as now provided by law for canvassing and determining votes upon other questions relating to such municipalities and special meetings for consideration of this matter shall be called and held in the same manner as now provided by law for calling and holding special meetings for other purposes.

Vote to be taken—notice of same to be given.

Proviso.

How vote to be taken.

Joint free high schools—how same may be established.

SECTION 2. Two or more adjoining towns may unite in establishing and maintaining a free high school; and the vote to thus unite shall be taken in each town separately, as hereinbefore provided. So long as any town shall decline to avail itself of the provisions of this act, any school district, or two or more adjoining districts, whether located wholly in one or in different

Duty of district attorney.

SECTION 3. It shall be the duty of the district attorney of the county where any offense against the provisions of this act has been committed, to give special attention to the diligent prosecution of the offenses specified in this act, especially upon complaint made to him by the president and timber clerk of said ship-canal and harbor company, or any clerk or agent appointed by him. And it is hereby made the duty of said president and timber clerk to institute prosecutions for the violation of any of the provisions of this act.

Duty of president and timber clerk.

Penalty for resisting or hindering timber clerk or agent.

SECTION 4. Any person who shall knowingly resist, hinder or obstruct, or procure or counsel any one to resist, hinder or obstruct the timber clerk, or his authorized assistant or agent of said Sturgeon Bay and Lake Michigan ship-canal and harbor company, in the discharge of the duties imposed upon him by law as such clerk, assistant or agent, or who shall wilfully remove, disturb or interfere with, or cause to be removed, disturbed or interfered with, any timber or other materials seized by said clerk or said assistant or agent, under the provisions of law authorizing seizure, after notice of such seizure and before such timber or other materials shall be released pursuant to order of said clerk, shall be guilty of a misdemeanor, and shall, upon conviction of such offense be punished by imprisonment in the county jail of the proper county, not more than one year, and by fine not less than one hundred dollars ($100) or more than one thousand dollars ($1,000.)

Certificate of Secretary of State to be prima facie evidence.

SECTION 5. Upon any hearing or trial in any suit or other legal proceeding, or upon any complaint, information or indictment, the certificate of the secretary of state, under the seal of the state, that any specified piece or tract of land is part and parcel of the lands granted by congress to the state of Wisconsin to aid in the construction of the said Sturgeon Bay and Lake Michigan ship canal and harbor, shall be prima facie evidence of the fact or facts stated in such certificate.

SECTION 6. This act shall take effect and be in force from and after its passage and publication.

Approved March 5, 1875.

CHAPTER 321.

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SECTION 2. No petition from owners of property, or resolution of the common council of the city of Milwaukee, shall be required for the doing of the No petition or resolution necessary.

thereto, the secretary chosen may be a person not a member of said board. When the high school district shall comprise more than a single school district, the treasurer of the high school board shall not be a member thereof, but the treasurer of the town wherein the high school is located shall be ex-officio the treasurer of the high school board.

Powers and authority of high school boards.

SECTION 7. The high school boards created by this act are hereby invested with the same power and authority, in connection with the high schools herein authorized to be established, as are now possessed by district boards in connection with the public schools of the state, and the duties of such high school boards and the officers thereof, shall be the same as are now imposed by law upon said school district boards and the officers thereof, so far as the same are applicable, and they shall be subject to the same provisions of law for neglect or malfeasance, with such restrictions and additions as are provided for in this act.

Board to determine amount to be raised by tax for support of high school.

SECTION 8. It shall be the duty of the high school boards, herein provided for, annually on or before the second Monday in July, in all cases where two or more towns, or two or more school districts constitute the territory uniting in the support of a free high school, or where a single town or school district empowers them so to do, or were no other provision is made for that purpose, to hold a meeting and determine upon the amount necessary to be raised by tax for the support of such high school for the year; and if such school is maintained by portions of more than one town, to determine what proportion of such amount shall be raised in that part of such high school district situated in each town; and when such determination is made, the clerk of said high school board shall certify to the town clerks of the towns wherein such territory is situated, the amount to be raised in their several towns respectively, designating by school districts the taxable property upon which such amount is to be assessed; and the said town clerks shall assess, and the town treasurer shall collect the same in the same manner as school district taxes are now assessed and collected; and such taxes when collected shall be paid upon demand to the treasurer of the high school board entitled to receive the same, and by him be paid out upon orders drawn by the secretary of the high school board, countersigned by the president thereof in pursuance of the vote of the said high school board and in no other manner.

How taxes to be levied and collected.

CHAPTER 323.

[*Published March* 23, 1875.]

AN ACT to authorize the establishment and aid in the maintenance of free high schools.

The people of the state of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. Any town, incorporated village or city in this state, may establish and maintain not exceeding two free high schools whenever a majority of the legal voters voting upon that question at any regular annual meeting thereof, or at any special meeting legally called and held for that purpose, shall determine so to do. The vote upon the question of establishing such high school or schools, shall be taken viva voce, or by ballot, as may be determined by the proper authorities for calling and conducting such annual meeting; and the manner of taking such vote shall be specified in the notices for such meeting whereat such vote is to be taken; *provided*, that whenever it is determined by the proper authorities to take such vote viva voce, the notice thereof shall specify the hour of the day at which such vote shall be taken. *And provided further*, that the electors of any town, or incorporated city or village, may, at the time appointed to take such vote viva voce, order and determine that such vote shall be taken by ballot, and when such order shall be thus made, the vote shall be by ballot. The vote upon the question of establishing high schools in towns, incorporated villages and cities shall be canvassed and determined in the same manner as now provided by law for canvassing and determining votes upon other questions relating to such municipalities and special meetings for consideration of this matter shall be called and held in the same manner as now provided by law for calling and holding special meetings for other purposes.

Establishment of free high schools.

Vote to be taken—notice of same to be given.

Proviso.

How vote to be taken.

SECTION 2. Two or more adjoining towns may unite in establishing and maintaining a free high school; and the vote to thus unite shall be taken in each town separately, as hereinbefore provided. So long as any town shall decline to avail itself of the provisions of this act, any school district, or two or more adjoining districts, whether located wholly in one or in different

Joint free high schools—how same may be established.

towns, may establish and maintain a free high school, and the vote upon the establishment of such high school shall be taken in each district separately, at an annual or special meeting thereof, called and held in the manner now provided by law for calling and holding annual or special school district meetings.

Proviso.

provided, that no more than two such free high schools shall be established in any town. *And provided further*, that whenever any school district or districts included in towns uniting to establish and maintain a free high school, shall, by itself, or themselves, establish and maintain a free high school in any town where no such school exists, such district shall be exempt from liability to taxation for the support of the high school maintained by the several towns in which such school district or districts may be included.

High schools may be maintained by donations and bequests.

SECTION 3. Towns, cities and villages shall receive in trust, and faithfully expend, donations and bequests made to aid in the maintenance of free high schools, and shall receive state aid in such cases, to the same extent and on the same conditions as if such schools had been established and maintained by taxation. Towns, cities and villages, school districts and counties, in case all the towns of any county unite in the establishment of one high school, shall have power to levy and collect taxes for the establishment and maintenance of free high schools in the same manner as they are now by law authorized to levy and collect taxes for other purposes; to determine the length of time such free high school shall be maintained during the year, and the amount that shall be expended in their establishment, equipment and management; to authorize the high school board hereinafter provided for, to locate the free high school permanently, or to provide that the terms of said high school be held alternately in such school districts embraced in the territory uniting in its support as it may designate; to authorize the said high school board to secure by purchase, lease, or otherwise, the necessary buildings, furniture, apparatus and text-books, for the use of such schools; to hire and contract with properly qualified teachers; to apportion equitably, the aggregate amount of taxes voted to be raised for the support of such high school, and for that purpose to equalize the assessment of real and personal property made by the different town assessors, and determine the amount to be

Authority of towns, cities, villages, school districts, and counties in establishing and maintaining high schools.

aised by each town, village, or school district unit-
ng in the support of a free high school; and certify
he same to the town or village clerk whose duty it
s to assess the tax upon the taxable property therein.

High school boards—how chosen.

SECTION 4. Whenever any town or towns, village,
r village and town, or school district or districts
hall determine to establish and maintain a free high
chool under the provisions of this act, the immediate
upervision and management of such free high school
hall be vested in a board known as the high school
oard, which shall be composed of three members
hosen by a convention of the district officers of all
he school districts composing the high school dis-
rict, said convention and election to be held at such
ime and place as may be agreed upon by a majority
f the said school officers, a notice of which meeting,
igned by said majority, or by some person author-
zed by them so to do, shall be given to the clerk of
ach school district interested, whose duty it shall
e to notify the other members of the board of which
e is a member; *provided*, that when a single school
istrict shall establish a high school in accordance
with the provisions of this act, the district board of
aid district shall constitute the high school board.

Proviso.

Terms of office.

The term of office of the members of the high school
oard shall be three years, except that at the first
lection of members of such board, they shall be
lected respectively for one, two and three years.

Vacancies.

Vacancies occurring in the board shall be filled in
the same manner as now provided by law for filling
vacancies in school district boards; *provided*, that
when two or more towns unite to form a high school
district, the county superintendent of the county in
which the high school is located shall fill any vacancy
that may have existed for more than ten days.

In incorporated cities management of free high schools to be vested in boards of education.

SECTION 5. Whenever any incorporated city in
which the management of its schools is committed to
a board of education, shall determine to establish and
maintain a free high school, under the provisions of
this act, the immediate supervision and management
of such high school shall be vested in such board of
education, and such board shall have the same power
and authority in relation to such high school as is
vested in high school boards, created by this act in
other places.

Officers of high school board.

SECTION 6. The high school board shall choose from
their own number a president and secretary, but
when all the members of the board shall be agreed

however, that the said common council shall let a contract early enough to secure the completion of said street from Fourth street to Eighteenth (18) street, by the thirtieth day of November, 1875, and to the city limits by or before the thirtieth day of November, 1877. The work to be done and chargeable to the adjoining property shall be assessed to the lots and parts of lots and parcels of lands fronting upon such street, and such contracts when entered into shall require the contractor to receive as payment for so much of the work as has been assessed agaist the lots, parts of lots and parcels of lands opposite to the front of which such improvements have been made, certificates for the cost against the lots respectively, and the resdue of such contract shall be paid out of the proceeds of the ward funds, and no petition of lot owners shall be required for the doing of any of the work contemplated or provided for in any of the sections of this act.

How expenses to be paid.

Repair of gutters.

SECTION 2. It shall be the duty of the said common council to cause the repair of the stone gutters on said street, where necessary, and to fill the interstices of all of the said gutters with gravel, or broken stone, and grout them with tar and roofing cement, so as to form a smooth finished surface. All the gutter repairs, street and alley crossings, shall be chargeable to the said fourth ward fund.

Sodding of sidewalks and planting of shade trees.

SECTION 3. The common council shall cause the sidewalks, where not covered with plank or paving, to be properly sodded to a uniform grade before July first, 1875; they shall cause either elm or hard maple trees to be set out as often as every twenty feet on both sides of said street west of eighth street, before the thirtieth day of May, 1875, where owners have not set them out by the thirtieth day of April, and shall see that said shade trees are properly protected to insure life, and shall replace any tree in same manner that may not be living any time within the three years from May twenty-fifth, 1875. Where lots are not inclosed from the street they shall see that the board of public works shall cause temporary fences to be put upon the line of sidewalks along both sides of said street. They shall also cause to be done the mowing of all grass or weeds on both sides of said street, where not done by owners, four times in each year, during the first week of each of the months of June, July, August and September, and charge the expense thereof to said lots or parts of

Fencing of lots.

Mowing of grass.

lots, and issue certificates against said lots, in the same manner as for other similar work done in said ward.

SECTION 4. The board of public works shall see that the necessary sewers and catch-basins are first laid and constructed in that portion of such street to be paved or macadamized, and for the purpose of this act they shall have all the powers conferred, and shall be governed by section seventeen, of chapter eight, of an act to revise, consolidate and amend the charter of the city of Milwaukee, approved February 20th, 1852, and the several acts amendatory thereof, approved March 10, 1874, the same as if the common council had ordered the work, or by resolution had required the board of public works to execute the work contemplated by this act.

Sewers and catch-basins to be constructed.

SECTION 5. The common council of said city are hereby authorized and instructed to contract the sprinkling of said street from the first day of April to the fifteenth day of November in each year, and charge the cost thereof as follows: So much as shall be done in front of lots shall be charged to such lots, parts of lots, and parcels of land, and so much as shall be done on street and alley crossings shall be charged to the fourth ward fund, and said common council shall cause to be issued certificates against said lots, parts of lots, and parcels of land, the same as for other similar work done in said ward. Sections thirteen and fouteen of chapter seven of the act referred to in section four of this act, in relation to certificates, shall apply to all certificates to be issued under this act, and shall have the same force and validity. Such certificates shall be liens upon the lots or parcels of land against which the same shall respectively be chargeable from and after the time when such certificates shall be countersigned and registered by the city comptroller. Such certificates shall draw interest at the rate of twenty-five per cent. per annum upon the amounts named in the same from the time when such lots or lands shall be sold by the city treasurer, as required by law, for and on account of such certificate liens.

Sprinkling of streets.

SECTION 6. All acts or parts of acts inconsistent with the provisions of this act, are hereby repealed.

Repeal of conflicting acts.

SECTION 7. This act shall take effect and be in force from and after its passage.

Approved March 5, 1875.

State aid—conditions upon which it may be received.

SECTION 12. When any free high school shall have been established and maintained as provided by this act, for at least thirteen weeks in any one year, such high school district on complying with the conditions herein set forth, shall be entitled to receive from the state one-half the amount actually expended for instruction in said school, not, however, exceeding five hundred dollars in any one year, to any one school, or to the two schools of one town, incorporated village or city; *provided, however*, that a high school district of a larger population than three thousand, shall be entitled to receive at the rate of one hundred dollars additional for each additional three thousand of such population; *and provided further*, that no high school district, town, incorporated village or city, shall be entitled to such aid unless the appropriation and expenditure for the high school or schools, on the part of such district, town, village or city, has been exclusive of the amounts required by law to be expended for common school purposes. Such state aid shall be paid from the state treasury on and after the first day of December of such year.

Proviso.

When state aid to be paid.

State Superintendent to determine amount of aid due from state.

SECTION 13. It shall be the duty of the superintendent of public instruction carefully to examine the reports made to him annually by county and city superintendents, relating to high schools established and maintained under the provisions of this act, and the reports relative to the amount paid by towns to academies and colleges for tuition of pupils therein under the provisions of this act, and after fully satisfying himself with relation thereto, he shall make certificate to the secretary of state, showing what towns or districts are entitled to aid from the state under the provisions of this act, and the amount to which each such towns or districts are thus entitled: and it is hereby made the duty of the secretary of state, upon the receipt of such certificate, to issue his warrant upon the state treasurer, payable to the treasurer of the town or district entitled to receive the same for the sum thus certified as due and payable to each such town or district; and it shall be the further duty of the secretary of state annually to include in the state tax apportioned to the several counties of the state all amounts thus certified to him by the superintendent of public instruction as due and payable under the provisions of this act, which sum shall be assessed and collected in the same manner as other state taxes are collected.

Secretary of State to issue warrant for same, and to include amount in state tax.

duties and compensation; may employ teachers and generally may adopt all such regulations, by-laws and rules as shall be deemed advisable for the interests of such corporation, and the accomplishment of its objects and purposes.

Election of officers and filling of vacancies.

SECTION 3. All corporations organized pursuant to this act may annually elect from its members such officers as its by-laws shall provide for, at such time and place and in such manner as may be specified in its by-laws; such by-laws may also provide for the filling of vacancies among such officers, and for the powers and duties of such officers; any corporation formed under this act shall not be dissolved by the failure to elect its officers at the time prescribed in its by-laws, but such officers may be chosen at any later day named for that purpose in its by-laws, or designated for that purpose by its officers.

When officers may be chosen.

Corporation subject to inspection of state board of charities and reform.

SECTION 4. All corporations organized under this act, together with their books, papers and vouchers, shall be subject to the visitation and inspection of the state board of charities and reform, as are other state charitable and penal institutions.

Persons who may be brought before proper officers for examination.

SECTION 5. Any court or officer having criminal jurisdiction in any county in this state, any judge of a court of record, or mayor of any city, may cause to be brought before him or it any male child under the age of twelve years, or any female child under the age of sixteen years, that comes within any of the following descriptions, to-wit: that is begging or receiving alms, whether actually, or under pretense of selling or offering for sale anything, or being in any public street or place for the purpose of begging or receiving alms; or that is found wandering and not having any home or settled place of abode, proper guardianship, or means of subsistence; or is found destitute either by being an orphan or having a parent or parents who is undergoing imprisonment, or otherwise; or that frequents the company of reputed thieves or of lewd, wanton or lascivious persons in speech or behavior, or notorious resorts of bad characters; or that is found wandering in streets, alleys or public places, and belonging to that class of children called "rag-pickers," or that is an inmate of any house of ill-fame or poor house, whether in company with its parent or parents or otherwise; or who has been abandoned in any way by his parent or parents or guardians; or who is without means of subsistence or support. The court or officer before whom

Court or officer may order such children to be sent to industrial school.

any such child shall be brought, if satisfied on inquiry of the fact and that the welfare of such child will be promoted thereby, may order any such child to be sent to any industrial school organized pursuant to this act within his own county, if there be such school therein, and if not, to any such school in any county in this state; and may direct that such child be kept and maintained, at the expense of the county, in such school, until it arrives at the age of twenty-one years, or be sooner discharged as in this act provided. Every court of record or officer having criminal jurisdiction, may, in its or his discretion, commit to any industrial school organized pursuant to this act, any child, male or female, within the ages aforesaid, who shall by such court or officer be adjudged guilty of any crime punishable with imprisonment, until such child shall arrive at the age of twenty-one years, or be sooner discharged as in this act provided, and such child shall be maintained in said school at the expense of the county.

Same to be maintained at expense of county.

Children guilty of crime may be committed to industrial school.

Corporation to have care and custody of children committed in accordance with preceding section, or by parent or guardian.

SECTION 6. Any industrial school organized pursuant to this act may receive any such child directed to be kept in it or committed to it pursuant to the provisions of the preceding section, or placed in its care and keeping by its parent or parents or guardian; and from the time of so receiving such child, shall have the exclusive custody, care and guardianship of any such child until such child shall be discharged therefrom pursuant to this act. Any such child within the ages aforesaid may also be committed to any industrial school organized pursuant to this act, upon complaint to any court of record by his or its parents, guardian, or those having such child in charge, that he or they are unable to control, and desire to have such child sent to an industrial school, but in such cases the court shall be first satisfied that the welfare of such child will be promoted thereby; and no such industrial school shall be compelled to receive such last named child unless the parent or parents, guardians or person having such child in charge shall satisfactorily agree with the officers of such industrial school for his or her maintenance and care therein.

Parent or guardian to agree for maintenance of children committed at their request

Children to be committed until 21 years of age, unless sooner discharged.

SECTION 7. All sentences, orders or commitments to any industrial school organized under this act shall direct that the child be sent to such school till he or she arrives at the age of twenty-one years unless sooner discharged by the officers of such school pur-

suant to its by-laws, who shall have authority to discharge any such child when in their judgment it shall be for his interest to do so.

All children committed by competent authority shall be taken into school and instructed.

SECTION 8. The officers and managers of any industrial school organized pursuant to this act, shall receive and take into such school all children which are committed thereto by competent authority, and shall cause all children in such school to be instructed in such branches of useful knowledge as may be suited to their years and capacities, and shall especially cause the girls to be taught domestic avocations, sewing, mending, knitting, and housekeeping in all its departments, with the common branches of education. The officers of any such school shall have power in their discretion to bind out any child committed to it as apprentices or servants during their minority, to such persons and to learn such proper trades and employments as in their judgment will be most for the future advantage of such child. Such officers may also in their discretion give away to any suitable person for adoption any such child during its minority. All and singular the provisions contained in chapter one hundred and thirteen of the revised statutes, entitled, of masters and apprentices, shall apply to the apprentices and servants and to the person or persons to whom they shall be bound by virtue of this act, and every minor so bound and the officers binding him, and the person or persons to whom such child is bound, shall be subject to all the provisions of said chapter. Any commitment, consent or order committing any child to any industrial school found [formed] pursuant to this act, made pursuant hereto, shall be full, sufficient and competent authority to the officers and agents of any such school for the detention and keeping therein of any such child. Any clergyman in good standing of any church or denomination, may, at all reasonable and proper times and places, freely minister to and impart moral and religious instruction in accordance with the religious forms and usages of his respective church or denomination, to said inmates or children who respectively belong to such clergyman's church or denomination, and be granted all reasonable facilities for the proper discharge of his duties as such clergyman.

Girls to be taught domestic avocations.

Power of officers to bind out children or give away for adoption.

General law in relation to masters and apprentices to apply.

Commitment to be authority for detention of children.

Ministers may give moral and religious instruction.

SECTION 9. The corporators of any industrial school organized pursuant to this act shall consist of such

Qualification of corporators.

persons as shall contribute to the expenses thereof in such manner as may be provided in its by-laws.

SECTION 10. This act shall take effect and be in force from and after its passage and publication.

Approved March 5, 1875.

CHAPTER 326.

AN ACT to authorize Roberts & Whelen to maintain dams upon Black River.

The people of the state of Wisconsin, represented in Senate and Assembly, do enact as follows:

Authority to maintain dams.

SECTION 1. Roberts and Whelen, their heirs and assigns, are hereby authorized and empowered to erect, keep up and maintain dams across Black river at the following points, viz: Dam number one (1), on section twenty-seven (27), town thirty-one (31), range one (1) east of the fourth principal meridian, and dam number two (2), on section twenty-one (21), town thirty-one (31), range one (1) east, Clark county, and dam number three (3), on sections fourteen (14) and fifteen (15), town thirty-two (32), range one (1) east of meridian aforesaid, Chippewa county, for the purpose of improving the river for running logs and all other purposes to which said dams may be applied.

Height of dams.

SECTION 2. Said dams may be of sufficient height to give a head of water not to exceed ten feet at the point where any one of the same is located; *provided*, nothing in this act shall be so construed as to authorize said parties, either of them, or their successors, either of them, to flow any lands of the state or individual, other than those named herein, or any highway without making compensation therefor as now provided by law in relation to mills and mill-dams.

SECTION 3. This act shall take effect and be in force from and after its passage.

Approved March 5, 1875.

CHAPTER 327.

[*Published March* 23, 1875.]

AN ACT to authorize John E. Glover to maintain a dam across the south fork of Clam River in Polk county.

The people of the state of Wisconsin, represented in Senate and Assembly, do enact as follows:

Authority to maintain dams.

SECTION 1. John E. Glover, his heirs and assigns, are hereby authorized to maintain and keep up a dam across the south fork of Clam river, at a point on the northwest quarter of the southwest quarter of section eight, in township thirty-six north, of range fifteen west, in Polk county; *provided*, that such dam shall not raise the water to exceed twelve feet.

Corporators to build slides—when same to be kept open.

SECTION 2. The aforesaid person, his heirs and assigns, shall build suitable slides in said dam for running logs, timber and lumber over the same, and shall keep the same in repair. The same shall be kept open at all times when the river is in a driving stage and there are logs, timber or lumber to run over said dam, and when it is not necessary to hold the water back for the purpose of driving or flooding logs, timber or lumber below the dam, for which purpose flood-gates shall be kept in repair and built in such manner as to be shut or opened, as the case may require, to flood the said logs, timber or lumber.

Term of grant.

SECTION 3. The aforesaid person, his heirs and assigns, shall enjoy the privileges granted in this act for the term of fifteen years.

Rates of toll.

SECTION 4. When the aforesaid person, his heirs or assigns, shall have completed the said dam as aforesaid, they are hereby authorized and empowered to receive and collect from the owners of all logs, timber and lumber passing over such slides or driven by the aid of said dam, as a compensation for keeping up and maintaining such dam, the sum of ten cents per thousand feet, board measure, the amount to be ascertained by scale on the landings in the woods; and the aforesaid Glover, his heirs and assigns, shall have a lien on all logs, timber and lumber run over said dam, or driven by the aid thereof, until the charges aforesaid shall be fully paid, which lien may be enforced in the same manner as the lien of laborers on logs; *provided*, that the said Glover, his heirs

or assigns, shall at all times comply with the provisions of section two of this act.

Control of dam.

SECTION 5. The control of said dam, the slides and gates of the same, shall belong to the said Glover, his heirs and assigns, but subject always to the provisions of section two of this act.

When gates shall be kept open.

SECTION 6. Nothing in this act shall be so construed as to give the party aforesaid, his heirs or assigns, any right to shut down the gates of said dam during the months of July, August and September, in each year, but the said dam and gates thereof shall remain open during said months, and the waters of the said south fork of Clam river shall flow free and unobstructed through said dam during the months aforesaid.

SECTION 7. This act shall take effect and be in force from and after its passage and publication.

Approved March 5, 1875.

CHAPTER 328.

[*Published March* 17, 1875.]

AN ACT in relation to the election of directors of the Chicago, Milwaukee & St. Paul Railway Company.

The people of the state of Wisconsin, represented in Senate and Assembly, do enact as follows:

Terms of office of directors

SECTION 1. The term of office of each and all of the directors of the Chicago, Milwaukee & St. Paul Railway company, as such directors, shall expire at twelve o'clock noon of the day on which the annual meeting of the stockholders of said company is required by law to be held in June, A. D. 1875, and on that day the stockholders of said company shall elect a full board of thirteen directors who shall serve as directors thereof for one year then next ensuing said election; and annually thereafter there shall be elected by said stockholders a full board of thirteen directors of said company.

Election of board of directors.

Acceptance of act to be submitted to vote of stockholders.

SECTION 2. At the annual meeting of the stockholders for the election of directors of said company in June next and before the poll for said election shall be opened, the question of the acceptance of this act

shall be submitted to a vote of the stockholders. If at such election a majority of all the stockholders voting upon said question shall vote in favor of the acceptance of this act, the same shall be accepted and be in full fore and binding upon said company from and after such vote; but if a majority of all the stockholders voting upon said question shall vote against such acceptance, then this act shall be of no force or effect; *provided, however*, if for any cause the election provided for in this section is not held as herein provided and the result declared before the poll for the election of directors is opened, then and in that case the first section of this act shall be in full force and effect and binding upon said company, and a full board of directors shall be elected as therein provided.

Proviso.

SECTION 3. The secretary of said company shall make a certificate under the seal of the company certifying the result of said vote on the question of the acceptance of this act, and file the same in the office of the secretary of state of the state of Wisconsin within ten days after said election.

Secretary of company to make certificate of result of vote and file in office of Secretary of State.

SECTION 4. Section 1, of chapter three hundred and thirty-five (335), of the private and local laws of the year 1869, and all other acts or parts of acts contradicting or conflicting with the provisions of this act, are hereby repealed.

Repeal of conflicting acts

SECTION 5. This act shall take effect and be in force from and after its passage and publication.

Approved March 5, 1875.

CHAPTER 329.

[*Published March* 23, 1875.]

AN ACT concerning corporations.

The people of the state of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. Whenever an action shall be brought in the supreme or circuit court by the attorney general, in the name of the state, for the purpose of vacating the charter or annulling the existence of a corporation, the summons shall be served personally

Actions in supreme court for vacating charters of corporations—how to be conducted.

upon some officer of the corporation named as defendant therein, if to be found within the state. Such service may be made by the sheriff of any county within this state; if any sheriff to whom any such summons shall be delivered for service shall make return thereon that no officer of such corporation can, after due diligence, be found within this state, and shall verify such return by his affidavit, the attorney general shall cause a copy of such summons to be published in the official state paper or some daily newspayer printed and published in the city of Madison, once in each week for four (4) successive weeks, and upon filing such proof of such publication as is required by subdivision three (3), of section thirteen (13), of chapter one hundred and twenty-four (124), of the revised statutes, with the clerk of the court in which the action is brought, the service of the summons shall be deemed complete and the court shall proceed as though personal service had been duly made upon such corporation.

Summons to be published.

When judgment shall be rendered, and how affairs of corporation to be wound up.

SECTION 2. If it shall be adjudged that a corporation against which an action shall have been brought has by neglect, abuse or surrender, forfeited its corporate rights, privileges or franchises, judgment shall be rendered that the corporation be excluded from such corporate rights, privileges and franchises, and that the corporation be dissolved and thereupon the affairs of such corporation shall be wound up by and under the direction of a receiver to be appointed by the circuit court, and its property sold and converted into money, and the proceeds, after paying the costs and expenses of the receivership and proceedings, shall be paid and distributed in the following order, to-wit: 1st. For the payment of taxes and debts due to the United States the state of Wisconsin and any county, city, town or village therein. 2nd. Legal and equitable liens upon the property of said corporation in their order of priority. 3d. The just debts of such corporation salable which liens and debts shall be ascertained by said court upon such notice and in such manner as it shall prescribe. 4th. The rest and residue of such moneys shall be distributed among the stockholders of such corporation.

Appointment of receiver when action is pending in circuit court.

SECTION 3. If such action shall be pending in the circuit court then such receiver shall be appointed in and by the judgment of dissolution, or by subsequent order founded thereon. If it shall be pending in the supreme court then it shall be the duty of the attor-

ney general forthwith to commence an action in the proper circuit for the appointment of such receiver and the winding up of the affairs of such corporation, and after such judgment of dissolution the corporation shall exist until a receiver shall be so appointed and until he shall be qualified and duly invested with the property of said corporation, but such corporation shall not after such judgment of dissolution, be able to do any other act than to make over its assets to such receiver as shall be appointed pursuant to the provisions of this act.

When in supreme court.

SECTION 4. The provisions of this act shall, so far as they relate to the distribution of property of the corporation and actions to appoint receivers therefor, apply to any corporation against which proceedings are now pending and to any corporation whose charter has been or may hereafter be repealed by act of the legislature, or otherwise annulled thereby.

To what corporations act applies.

SECTION 5. All acts or parts of acts, so far as they contravene the provisions of this act, are hereby repealed.

Repeal of conflicting acts.

SECTION 6. This act shall take effect and be in force from and after its passage and publication.

Approved March 5, 1875.

CHAPTER 330.

[*Published March* 23, 1875.]

AN ACT relating to and amendatory of section 8, [3] of chapter 202, of the laws of Wisconsin of 1873, entitled, "An act for the better organization of the militia of the state of Wisconsin."

The people of the state of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. That section 3, of chapter 202, of the laws of Wisconsin of 1873, entitled, "An act for the better organization of the militia of the state of Wisconsin," be amended so as to read as follows: Section 3. Each company or battery, which, on inspection, shall prove to be properly organized, as provided by law, and which shall have made all returns which under the laws of this state they are required to make, shall receive out of the general fund of the state, on warrants issued by the secretary of state, the sum of

Amended.

Appropriation to military companies-requirements of companies.

or assigns, shall at all times comply with the provisions of section two of this act.

Control of dam.

SECTION 5. The control of said dam, the slides and gates of the same, shall belong to the said Glover, his heirs and assigns, but subject always to the provisions of section two of this act.

When gates shall be kept open.

SECTION 6. Nothing in this act shall be so construed as to give the party aforesaid, his heirs or assigns, any right to shut down the gates of said dam during the months of July, August and September, in each year, but the said dam and gates thereof shall remain open during said months, and the waters of the said south fork of Clam river shall flow free and unobstructed through said dam during the months aforesaid.

SECTION 7. This act shall take effect and be in force from and after its passage and publication.

Approved March 5, 1875.

CHAPTER 328.

[*Published March* 17, 1875.]

AN ACT in relation to the election of directors of the Chicago, Milwaukee & St. Paul Railway Company.

The people of the state of Wisconsin, represented in Senate and Assembly, do enact as follows:

Terms of office of directors

SECTION 1. The term of office of each and all of the directors of the Chicago, Milwaukee & St. Paul Railway company, as such directors, shall expire at twelve o'clock noon of the day on which the annual meeting of the stockholders of said company is required by law to be held in June, A. D. 1875, and on that day the stockholders of said company shall elect a full board of thirteen directors who shall serve as directors thereof for one year then next ensuing said election; and annually thereafter there shall be elected by said stockholders a full board of thirteen directors of said company.

Election of board of directors.

Acceptance of act to be submitted to vote of stockholders.

SECTION 2. At the annual meeting of the stockholders for the election of directors of said company in June next and before the poll for said election shall be opened, the question of the acceptance of this act

CHAPTER 332.

[*Published March* 11, 1875.]

AN ACT relating to justices of the peace and constables in the city of Milwaukee.

The people of the state of Wisconsin, represented in Senate and Assembly, do enact as follows:

City to be divided into districts for election of justices and constables.

SECTION 1. The city of Milwaukee is hereby divided into seven districts, for the purpose of electing justices of the peace and constables, as hereinafter mentioned.

District boundaries.

SECTION 2. The first and seventh wards in said city shall constitute the first district; the second ward shall constitute the second district; the third ward shall constitute the third district; the fourth ward shall constitute the fourth district; the fifth ward shall constitute the fifth district; the sixth, ninth, tenth and thirteenth wards shall constitute the sixth district; and the eighth, eleventh and twelfth wards shall constitute the seventh district.

Election of justices of the peace and constables.

SECTION 3. There shall be elected in each of such districts, at the ensuing municipal election in the city of Milwaukee, and in every two years thereafter, one justice of the peace, and in every one year thereafter, one constable, in lieu of the justices of the peace and constables in each of the wards of said city as heretofore authorized by law; and the justices and constables elected under this act shall have and exercise the same jurisdiction now given by law to justices and constables in said city of Milwaukee, and shall hold their offices for the terms herein mentioned.

Canvass of votes.

SECTION 4. The votes given for justices of the peace and constables in each of said districts, shall be canvassed and returned by the inspectors of election in each ward comprising said districts, in the same manner now provided by law for city officers in said city of Milwaukee.

Election of justices and constables as heretofore prohibited.

SECTION 5. The election of justices of the peace and constables in the several wards of the city of Milwaukee, as heretofore provided by law, is hereby prohibited, and the justices of the peace now in office in the several wards, shall forthwith, after the election and qualification of justices of the peace under the provisions of this act, deliver over to the justices of the peace elected for the district in which he resides,

Justices to deliver dockets, etc., to successors.

upon some officer of the corporation named as defendant therein, if to be found within the state. Such service may be made by the sheriff of any county within this state; if any sheriff to whom any such summons shall be delivered for service shall make return thereon that no officer of such corporation can, after due diligence, be found within this state, and shall verify such return by his affidavit, the attorney general shall cause a copy of such summons to be published in the official state paper or some daily newspayer printed and published in the city of Madison, once in each week for four (4) successive weeks, and upon filing such proof of such publication as is required by subdivision three (3), of section thirteen (13), of chapter one hundred and twenty-four (124), of the revised statutes, with the clerk of the court in which the action is brought, the service of the summons shall be deemed complete and the court shall proceed as though personal service had been duly made upon such corporation.

Summons to be published.

When judgment shall be rendered, and how affairs of corporation to be wound up.

SECTION 2. If it shall be adjudged that a corporation against which an action shall have been brought has by neglect, abuse or surrender, forfeited its corporate rights, privileges or franchises, judgment shall be rendered that the corporation be excluded from such corporate rights, privileges and franchises, and that the corporation be dissolved and thereupon the affairs of such corporation shall be wound up by and under the direction of a receiver to be appointed by the circuit court, and its property sold and converted into money, and the proceeds, after paying the costs and expenses of the receivership and proceedings, shall be paid and distributed in the following order, to-wit: 1st. For the payment of taxes and debts due to the United States the state of Wisconsin and any county, city, town or village therein. 2nd. Legal and equitable liens upon the property of said corporation in their order of priority. 3d. The just debts of such corporation salable which liens and debts shall be ascertained by said court upon such notice and in such manner as it shall prescribe. 4th. The rest and residue of such moneys shall be distributed among the stockholders of such corporation.

Appointment of receiver when action is pending in circuit court.

SECTION 3. If such action shall be pending in the circuit court then such receiver shall be appointed in and by the judgment of dissolution, or by subsequent order founded thereon. If it shall be pending in the supreme court then it shall be the duty of the attor-

this act for manufacturing purposes, except so much thereof as may be needed by said city for hydraulic purposes, and may also let, lease and rent the boomage, piers and booms which may be created and erected under the provisions hereof, and may fix the rate of boomage and storage of saw-logs, timber, fence posts and railroad ties, at such price as it may determine, not exceeding fifty cents per one thousand feet, board measure, for saw-logs and timber, not exceeding one dollar per one hundred for fence posts or railroad ties.

How dam to be constructed.

SECTION 4. The dam authorized by this act to be constructed with a sufficient lock for the safe passage of steamboats used or to be used in navigating said river, and with sufficient and separate chutes for the safe and expeditious passage of saw-logs, timber, fence posts, railroad ties and rafts of lumber over the same, and shall be constructed so as not to materially obstruct the navigation of said river, and the chute for the passage of lumber shall be constructed so as to pass over the same rafts of lumber two strings in width and [seven] cribs of thirty-two (32) feet in length.

Not to obstruct navigation.

How piers and booms to be constructed.

SECTION 5. The piers and booms authorized by this act to be constructed, shall be so constructed as not to materially obstruct the navigation of said river for saw logs, lumber, timber, fence posts and railroad ties; and shall be so constructed and operated that saw logs, timber, fence posts and railroad ties, designed for points below said dam, can be separated from those designed to be stored in said store boom with all possible despatch.

Channel to remain unobstructed.

SECTION 6. The works herein authorized shall be so constructed and operated that there shall be at all times a clear, unobstructed channel for the free passage of all lumber, logs, timber, fence posts and railroad ties, designated for points below said dam.

Taking of compensation prohibited except for storage

SECTION 7. Nothing contained in this act shall be construed as authorizing the common council of said city to fix any rate or toll, or any lessee to charge or receive any toll or compensation whatever for passing boats through the lock, or for the assorting and passing of any saw logs, timber, lumber, fence posts or railroad ties, by the booms or over the dams herein authorized to be constructed, except upon logs, timber, fence posts, and railroad ties to be stored in the store booms at the request of the owners or claimants thereof.

three hundred dollars per annum, which shall be in full compensation for rent of armory, pay of armorer and keeping in repair the ordnance and ordnance stores furnished such company or battery, and no allowance shall be made hereafter for said purpose by the county board of supervisors of any county, except for rent and pay due and unpaid before the passage of this act; *provided*, that no more than twenty-four companies and batteries shall be organized in this state.

Proviso.

SECTION 2. This act shall take effect from and after its passage.

Approved March 5, 1875.

CHAPTER 331.

[*Published March* 23, 1875.]

AN ACT for an act relative to the discharge of mortgages given to the late territory of Wisconsin to secure the payment of the purchase money of lands granted by congress to aid in the construction of the Milwaukee and Rock River canal.

The people of the state of Wisconsin, represented in Senate and Assembly, do enact as follows:

Release of mortgages executed to territory of Wisconsin to insure purchase money of lands of Milwaukee and Rock River canal.

SECTION 1. The attorney general is hereby authorized to discharge and release of record any mortgage heretofore executed to the late territory of Wisconsin, given to secure the purchase money, or any part thereof, of any lands granted by congress to aid in the construction of the Milwaukee and Rock River canal, on the production to him of any original receipt of the receiver whose election is provided for by an act of the legislature of the territory of Wisconsin, approved February 24, 1845, entitled, "an act to authorize a further sale of the canal lands and for other purposes," showing that the whole purchase money of any such lands so mortgaged has been fully paid. Such original receipt shall be attached to the release authorized to be made by this act, and shall be filed with such release and recorded in the office of the governor of this state.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 5, 1875.

CHAPTER 334.

[*Published March* 11, 1875.]

AN ACT to amend chapter two hundred and seventy-three (273), laws of 1874, entitled, "An act relating to railroads, express and telegraph companies in the state of Wisconsin.

The people of the state of Wisconsin, represented in Senate and Assembly, do enact as follows:

Amended.

SECTION 1. Section 4, chapter 273, of the general laws of 1874, is hereby amended to read as follows; Section 4. No individual, company or corporation owning, operating, managing or leasing any railroad or part of a railroad, designated in section one as class "A" or "B," shall charge for or receive a greater or higher rate for carrying articles named in the several special classes herein designated, than is hereinafter provided namely:

Limitation of charges.

Rates for class D.

Class D. Not exceeding six cents per 100 pounds for the first twenty-five miles, and not exceeding one and six-tenths mills per hundred pounds, per mile, for the distance actually carried, for the second twenty-five miles; and not exceeding three cents per hundred pounds for the third twenty-five miles or fractional part thereof, unless the fraction be less than thirteen miles, in which case the rate shall be one and one-half cents per hundred pounds for said fractional part, and not exceeding two cents per hundred pounds for each additional twenty-five miles or fractional part thereof, unless the fraction shall be less than thirteen miles, in which case the rate shall be one cent for said fractional part, unless the whole distance be over two hundred miles, when no greater rate than one-half cent per 100 pounds shall be received for each twenty-five miles over said first two hundred miles.

Rates for class E.

Class E. Not exceeding twelve cents per barrel for the first twenty-five miles, and not exceeding three and two-tenths mills per barrel per mile for the second twenty-five miles, and not exceeding six cents per barrel for the third twenty-five miles or fractional part thereof, unless the fraction be less than thirteen miles, in which case the rate shall not exceed three cents per barrel for said fractional part, and for each additional twenty-five miles a sum not exceeding four cents per barrel for each twenty-five miles or

fractional part thereof, unless the fraction be less than thirteen miles, in which case rate shall not exceed two cents per barrel for such fractional part, unless the whole distance be over two hundred miles, when no greater rate than one cent per barrel shall be charged for each additional twenty-five miles over said two hundred miles.

Rates for class F.

Class F. Not exceeding fifteen cents per barrel for the first twenty-five miles, and not exceeding two and four-tenths mills per barrel per mile for the distance actually carried for the second twenty-five miles, and not exceeding five cents per barrel for each additional twenty-five miles, or fractional part thereof, unless the fraction be less than thirteen miles, in which case the rate shall not exceed two and one-half cents per barrel for such fractional part.

Rates for class G.

Class G. Not exceeding eight dollars per car load for the first twenty-five miles, and not exceeding twenty cents per mile per car load for the distance actually carried for the second twenty-five miles, and not exceeding three dollars per car load for the third twenty-five miles, or fractional part thereof, unless the fraction be less than thirteen miles, in which case the rate shall not exceed one and one-half dollars per car load for such fractional part thereof, and for each additional twenty-five miles or fractional part thereof not exceeding two dollars per car load, unless the fractional part be less than thirteen miles, in which case the rate shall not exceed one dollar per car load for such fractional part thereof.

Rates for class H.

Class H. Not exceeding ten dollars per car load for the first twenty-five miles, and not exceeding twenty-eight cents per mile per car load for the distance actually carried for the second twenty-five miles, and not exceeding four and one-half dollars per car load for each additional twenty-five miles, or fractional part thereof, unless the fraction be less than thirteen miles, in which case the rate shall not exceed two dollars and twenty-five cents per car load for such fractional part.

Rates for class I.

Class I. Not exceeding twelve dollars per car load for the first twenty-five miles, and not exceeding thirty-two cents per car load per mile for the second twenty-five miles, for the distance actually carried, and not exceeding five dollars per car load for each additional twenty-five miles or fractional part thereof, unless the fraction shall be less than thirteen miles, in which case the rate shall not exceed two

dollars and fifty cents per car load for such fractional part.

Class J. Not exceeding eight dollars per car load for the first twenty-five miles, and not exceeding twenty-four cents per car load per mile for the distance actually carried, for the second twenty-five miles, and not exceeding three and one-half dollars per car load for the third twenty-five miles or fractional part thereof, unless the fraction be less than thirteen miles, in which case the rate shall not exceed two dollars for such fractional part; and for each additional twenty-five miles not to exceed two and one-half dollars per car load for such twenty-five miles or fractional part thereof, unless the fraction be less than thirteen miles, in which case the rate shall not exceed one dollar and twenty-five cents per car load for such fractional part.

Rates for class J.

SECTION 2. Section 5, of said chapter 273, of the laws of 1874, is hereby amended by adding thereto the following, viz: And when freights shall so pass from one railroad to another, the amount received for such transportation shall be divided between the companies rendering such service, in such proportion as the officers thereof may agree upon. In case the officers of such corporation shall not agree as to such division, then each of said corporations shall choose an impartial person familiar with railroad management, and the persons thus chosen shall choose one or more to join them in order to make an odd number, and the written award of the persons thus selected shall be conclusive and binding upon all parties. In case either of said railroad companies or corporations shall neglect or refuse to select such referee, then upon application of the other party or parties any court of record in this state may apppoint such referee.

Amended.

Transfer of freights from one road to another.

In case officers of roads cannot agree as to division, to be settled by arbitration.

SECTION 3. Section 6, of said chapter 273, is hereby amended by striking out of the ninth line in said section, the words "agent of any," and by inserting in the eleventh line of said section, after the word "state," the following: "and every officer, agent or employe thereof who shall unreasonably refuse to furnish to any person cars to be loaded with freights for transportation over their respective roads, or shall discriminate against any person in furnishing such cars," so that said section shall read as follows: Section 6. In no instance shall any such individual, company or corporation, lessee or other per-

Amended.

Penalty for violation of act.

son, charge or receive any greater rate of compensation for carrying freight or passengers than is hereinbefore provided, and any individual, company or corporation violating or in any way evading the provisions of this act shall forfeit all right to recover or receive any compensation whatever for the service rendered wherein such violation is attempted, and every such corporation, lessee or other individual operating any railroad within this state, and every officer, agent and employe thereof who shall unreasonably refuse to furnish to any person cars to be loaded with freight for transportation over their respective roads, or shall discriminate against any person in furnishing such cars, or who shall refuse to receive for transportation over the road for which he is agent, in the usual way, any of the articles hereinbefore mentioned on account of the compensation hereinbefore prescribed being too low, or receiving any article of freight shall charge or attempt to charge for the transportation of the same any greater sum than herein fixed, or shall in any manner violate or attempt to violate or evade the provisions of this act, shall be deemed guilty of a misdemeanor, and on conviction thereof shall pay a fine not exceeding two hundred dollars for each and every offense, and the injured party shall have a right of action against said agent or against the railroad company or other persons operating the railroad, or both, in which he shall be entitled to recover three times the amount taken or received from him in excess of the rates prescribed by this act.

Right of action of injured party against agent or company.

Amended.

SECTION 4. Chapter 273, of the act aforesaid, is hereby amended by adding to said chapter the following, to be known as section 19. Every company, corporation, lessee or individual owning, operating, managing or leasing any railroad or part of railroad in this state, shall receive and forward, in the usual manner, all articles and freights delivered to them or either of them for transportation over their respective roads. And in all cases when such articles or freights will pass over any other railroad or part of railroad to reach the point of destination, the company, corporation or individual receiving the same shall deliver the same to such other road. If in carloads, then such delivery shall be in the same cars without unloading; and if in quantities less than a car-load, then such delivery shall be in the usual course of business, as the same has been practiced by

Duty of corporation to receive and forward freights.

In case freights are to pass over other roads.

said roads respectively previous to the year 1874. And all railroad companies and other persons operating any railroad or railroads within this state shall provide and maintain at all places where their respective roads are intersected by another railroad, connecting tracts by which cars may be transferred from one road to the other, except when the crossing roads shall be of different gauge, and in all cases such companies or persons shall provide and maintain at or near the place of crossing, conveniences for the transfer of freights from one road to the other; and all such companies and persons operating any railroad shall receive for shipment and forward as directed, with all convenient dispatch, all transportable articles of freight which are commonly transported by rail, offered to them for shipment, and deliver the same to consignee or the next connecting carrier, as the case may be; and for the purpose of facilitating the transportation of freights, every railroad company or other person operating any railroad within this state, are hereby required to receive at junctions and places of crossing other roads of the same guage, loaded or empty cars, and forward without delay to their destination. Advance payment of freights shall not be required as a condition precedent to carriage, except in case of perishable articles and freights of little value. Any individual, lessee, company or corporation, violating or in any manner evading the provisions, or either of the provisions of this section, shall forfeit all right to recover or receive any compensation for the service rendered, wherein such violation is attempted or accomplished, and every agent, clerk or employe of any such corporation, company, lessee, or other individual, operating any such railroad or part of railroad, who shall refuse or neglect, when requested, to receive for transportation over the road for which he may be acting or to forward in the usual manner, any of the articles or freights mentioned in this chapter, on account of the charges or rates not being paid in advance, or on account of the same having to pass from one railroad to another, shall be deemed guilty of a misdemeanor, and on conviction thereof shall pay a fine not exceeding two hundred dollars for each and every such offense, and the injured party shall have a right of action against such agent, clerk or employe, or against the said company, corporation or individual owning, operating or managing said road, or both, in which action the said injured party shall be

Conveniences for transfer of freights at junctions to be provided.

All transportable articles of freight to be received for shipment.

Cars to be received and forwarded at junctions.

Advance payment not to be required except in certain cases

Penalty for violation.

Right of action of person injured.

entitled to recover treble the amount of all damages which he shall sustain by reason of any such neglect, refusal or evasion.

Amended.

SECTION 5. Said chapter 273 is further amended by adding thereto the following to be known as section 20: Wheresoever two or more railroads approach, connect with or cross each other at a point, or points of general travel in this state, it shall be the duty of the companies or individuals operating such roads to make close running connections at such points so as to accommodate the traveling public, and in case they fail to do so the said railroad commissioners shall examine into the matter, and, if they shall think proper, give notice to such companies, to present to said commissioners the reasons for not making such running connections, and if no good and sufficient reasons satisfactory to said commissioners shall be given for failing to make such connections, it shall be the duty of such commissioners or a majority of them to order such connections to be made as in their judgment shall be just and such as shall accommodate the traveling public; and shall cause a copy of such order to be served on each of said companies, and if the said companies or individuals operating said roads or either of them shall neglect or refuse to comply with such order for more than one week after the service thereof, the company or individual so neglecting or refusing to comply with said order shall be deemed guilty of a misdemeanor, and on conviction thereof, before any court of competent jurisdiction, shall be subject to a fine of one hundred dollars for each and every day they shall so neglect or refuse.

Connection to be made at junctions.

Duty of railroad commissioners to cause connections to be made.

Penalty for refusal to make connection.

Section renumbered.

SECTION 6. Section nineteen of chapter two hundred and seventy-three aforesaid, shall hereafter be known and designated as section twenty-one of this chapter.

When act to take effect.

SECTION 7. This act shall take effect and be in force from and after its passage and publication; *provided*, that no offense committed, and no penalty, forfeiture or damages receive [incurred] or sustained, and no action or right of action which has already accrued, shall be affected by the provisions of this act; and no prosecution for any offense, or the recovery of any penalty, forfeiture or damages, or the enforcement of any right now pending, shall be affected by the provisions of this act; but the same shall proceed to trial, hearing and final judgment in the same manner and

to the same purpose and effect as though the statute upon which the same is or shall be founded was contained [continued] in full force, virtue and effect to the time of such trial, hearing and final judgment.

Approved March 5, 1875.

CHAPTER 335.

[*Published March* 23, 1875.]

AN ACT to amend chapter one hundred and eighty-five (185), of of the general laws of 1874, entitled, "An act to amend chapter one hundred and three (103), of the general laws of 1873, entitled, 'an act authorizing the formation of town insurance companies,'" approved March 23, 1872, and the act amendatory thereto, approved March 17, 1873.

The people of the state of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section two (2), of chapter one hundred and eighty-five (185), of the general laws of eighteen hundred and seventy-four (1874), is hereby repealed, and section three (3), of chapter two hundred and fifteen (215), of the general laws of eighteen hundred and seventy-three (1873), is hereby restored, the same to be and read as follows: Section three (3). Section ten (10) of said chapter is hereby amended so as to read as follows: No company founded under this act shall insure any property out of the town or towns in which the said company is located, nor shall they insure any property other than detached dwellings and their contents, and farm buildings and their contents, and live stock while on the premises, or running at large, and hay and grain in the bin or stack; *provided, however*, that if the majority of the directors of such company deem it proper to insure school houses and churches, and the furniture in said school houses and churches, it shall be lawful for them to insure the same, not to exceed fifteen hundred dollars ($1,500) in any one risk, but they shall not insure any property within the limits of any incorporated village or city in this state.

Repealed.

Restored.

Restrictions as to location and class of property to be insured.

Proviso.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 5, 1875.

CHAPTER 336.

[*Published March* 24, 1875.]

AN ACT to amend chapter one hundred and four (104) of the private and local laws of 1872, entitled "an act to amend chapter one hundred and five (105) of the general laws of 1868, entitled 'an act to accept the grant of land made to the state of Wisconsin, by Congress to aid in the construction of the Sturgeon Bay and Lake Michigan ship canal and harbor, in the county of Door, to connect the waters of Green Bay with Lake Michigan, and to provide for the construction of the same,'—approved March 5, 1868,"—approved March 23, 1872.

The people of the state of Wisconsin, represented in Senate and Assembly, do enact as follows:

Amended.

SECTION 1. Section two (2) of chapter one hundred and four (104) of the private and local laws of 1872, is hereby amended so as to read as follows: Section 2. The president of said Sturgeon Bay and Lake Michigan ship canal and harbor company is hereby authorized and empowered to act as, and is constituted a timber clerk, for the purpose of protecting the lands granted by congress to the state of Wisconsin to aid in the construction of the Sturgeon Bay and Lake Michigan ship canal and harbor from any injury from any person or persons tresspassing thereon, by cutting or removing, or in any manner injuring any timber, trees or wood standing or growing on said lands, and said clerk is hereby fully authorized and empowered, without instructions or further authority from the commissioners of school and university lands, either in person or by agents, or assistants duly authorized by him, to seize or cause to be seized any and all logs, timber or other material of whatever kind or description, which may be cut, fallen, stolen or removed from said lands, without process, and to sell the same at public or private sale in his discretion for such price or prices as he the said timber clerk shall deem most advantageous and for the best interest of said company in the construction of said canal, and to receive the considerations paid or agreed to be paid therefor; *provided*, that no such public sale shall be made until the time and place thereof shall have been advertised in a newspaper printed in the county where such sale is to be had, if any such newspaper there be, at least once in each week for three successive weeks; and if there is no

Power of president to protect lands.

May seize logs, timber, etc., and sell same.

Proviso—Notice of sale to be given.

newspaper printed in said county, then by written or printed notice of such time and place, posted up in three public places in said county, at least twenty days before such sale. Said timber clerk shall have full power, and it is hereby made his duty, to prosecute in the name of the state of Wisconsin any person or persons who shall cut, steal or carry away any timber or logs, or other material growing or being upon said lands, or who shall commit any trespass upon or injury to the same, before any court or magistrate having jurisdiction of the action, and shall recover from such person or persons triple damages for the wrongs and injury done. Said clerk is also duly authorized to settle with trespassers for all trespasses heretofore or hereafter committed on said lands, and when any such trespasser shall have made and carried out a compromise for any such trespass with the said clerk, and shall exhibit his receipt or other sufficient evidence of such compromise, the logs or timber thus already paid for, shall not be again seized. *And provided further*, that such president shall give a bond in the penal sum of ten thousand dollars, with surety to the satisfaction of the said commissioners of school and university lands for the performance of the duties hereinafter prescribed; *And provided further*, that the said president shall keep or cause to be kept a strict account of all moneys so received by him, whether derived from compromise and settlement with trespassers as aforesaid or collected as damages by action at law as aforesaid, or from sale of timber burned, fallen or cut and removed from said lands and sold by him, and shall quarterly, on the last days of March, June, September and December in each year, (until the construction of said ship-canal shall be completed,) present to said commissioners a full and accurate account of all such seizures, sales, and receipts made or received in said preceding quarter, and shall at the same time pay over to the state treasurer the amounts so received by him for the said quarter, less the actual costs and expenses attending the sale and collection of the same. *And provided further*, that the cost and expenses aforesaid shall not be paid until vouchers and bills for the same shall have been filed with the secretary of state and audited and allowed by him. The proceeds so received by the state treasurer from time to time shall be paid over to the treasurer of said company in the manner hereinbefore provided in regard

May prosecute persons trespassing on lands.

Clerk may settle with trespassers.

President to give bonds and keep strict account of moneys received.

Shall make quarterly report.

Vouchers and bills for expenses to be filed with and audited by Secretary of State.

to other moneys received into the state treasury belonging to said company.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 5, 1875.

CHAPTER 337.

[*Published March 23, 1875.*]

AN ACT to amend section 9, chapter 143, revised statutes, entitled "of waste."

The people of the state of Wisconsin, represented in Senate and Assembly, do enact as follows:

Amended.

Actions for waste may be maintained by holder of tax or sheriff's certificate of sale.

SECTION 1. Section nine (9), of chapter one hundred and forty-three (143), of the revised statutes, is hereby amended to read as follows: "Section nine (9). Whenever any lands or tenements shall be sold for taxes, or shall be sold by virtue of a power of sale in a mortgage, the person to whom a certificate of tax sale may be issued, or to whom a certificate of sale may be executed by the sheriff, pursuant to a mortgage sale, may maintain an action for waste against any person for any waste committed by such person on the premises after such sale.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 5, 1875.

CHAPTER 338.

[*Published March 22, 1875.*]

AN ACT to amend section four, of chapter three hundred and ten of the general laws of 1874, entitled "an act to lay out a state road from New Richmond, in St. Croix county, to the village of Ashland."

The people of the state of Wisconsin, represented in Senate and Assembly, do enact as follows:

Amended.

SECTION 1. Section four, of chapter three hundred

and ten, of the general laws of 1874, is hereby amended by adding thereto the following words; *provided*, that so much of said road as may be laid out through the counties of Bayfield, Ashland and Burnett, shall be opened and obstructions removed therefrom only under the order and direction of the county board of supervisors of said county.

Laying out o state road.

SECTION 2. This act shall take effect and be in force from and after its passage.

Approved March 5, 1875.

CHAPTER 339.

[*Published March* 23, 1875.]

AN ACT to amend section 19, of chapter 155, general laws of 1863, entitled "An act to codify the laws of this state relating to common schools."

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Amended.

SECTION 1. Section 19, chapter 155, of the general laws of this state passed in the year 1863, entitled "An act to codify the laws of this state relating to common schools," is hereby amended so as to read as follows: Section 19. The inhabitants of any school district or of any joint school district qualified by law to vote at a school district meeting when assembled at the first and at each annual meeting in their district or at any adjournment of such annual meeting in their district, shall have the power: 1st. To appoint a chairman for the time being. 2d. To adjourn from time to time as occasion may require. 3d. To choose a director, treasurer and clerk. 4th. To designate a site for a district school house. 5th. To vote such tax on the taxable property of the district, as the meeting shall deem sufficient to purchase or lease a suitable site for a school house; to build, hire or purchase a school house, and to keep in repair, and furnish the same with the necessary fuel and appendages; *provided*, that no district containing a population of less than two hundred and fifty inhabitants, shall have power to levy and collect a tax for building, hiring or purchasing a school house of more than six hundred dollars in any one year, unless the

General power of inhabitants of school district.

To choose school officers, locate, and vote tax for building school houses.

Proviso.

supervisors of the town in which such school is to be situated, shall certify in writing that, in their opinion, a larger sum should be raised, and shall specify such sum, in which case an amount not exceeding the sum specified may be raised; *provided further*, that no district containing a population of less than one thousand inhabitants shall have power to raise and collect in any one year, for the purposes above specified, more than one thousand dollars unless the supervisors shall certify as above set forth. 6th. To vote a tax on the taxable property of the district of such sum as the meeting shall deem proper for the payment of teacher's wages in the district; *provided*, that no district containing a population of less than two hundred and fifty inhabitants shall have power to levy and collect a tax for school purposes other than for the purposes prescribed in the fifth subdivision of this section in such district of more than five hundred dollars in any one year. *And provided further*, that in case any district shall not at its annual meeting or at a special meeting held subsequent to the annual meeting and prior to the third Monday of November, vote a tax sufficient to maintain a school in said district the ensuing year for the term of five months, then the district board shall have power and it shall be their duty to estimate and determine the sum necessary to be raised to maintain such school, and the district clerk shall certify to the town clerk the amount thus determined upon, who shall assess the same as other district taxes are assessed. *And provided further*, that in all school districts having an average attendance at school for the year, of fifteen scholars or less, not more than three hundred and fifty dollars shall be raised in any one year for teachers's wages; in all school districts having an average attendance of not more than thirty nor less than fifteen scholars, not more than four hundred and fifty dollars shall be raised in any one year for teachers' wages. And in all school districts having an average attendance of not more than forty nor less than thirty scholars, not more than five hundred and fifty dollars shall be raised in any one year for teachers' wages. If, when a district board shall have failed to vote a tax for school purposes, any district board who shall wilfully refuse or neglect to estimate and determine a sum sufficient to maintain a school for five months as aforesaid, each member of the board thus refusing or neglecting, shall be deemed

Proviso.

To vote tax for teacher's wages.

Proviso.

Power of district board to determine tax to be raised for school purposes

Limit of amounts to be raised for teacher's wages.

Penalty for neglect of district board to determine sum for maintaining schools.

guilty of a misdemeanor and shall be liable to a penalty of not less than fifty and not more than one hundred dollars, or to imprisonment in the county jail not less than one month nor more than three months. And when any district board shall have estimated and determined the sum necessary to maintain a school for five months, the ensuing year, any district clerk who shall wilfully refuse or neglect to certify such sum to the town clerk in time to have the same embodied in the assessment roll for that year. shall be deemed guilty of a misdemeanor, and shall be liable to a penalty of not more than one hundred dollars, nor less than fifty dollars. 7th. To authorize and direct the sale of any school house, site or other property belonging to the district when the same shall be no longer needed for the use of the district. 8th. To impose such a tax as may be necessary to discharge any debts or liabilities of the district lawfully incurred. 9th. To vote a tax not exceeding seventy-five dollars in any one year, for the purchase of maps, black-boards, and apparatus for illustrating the natural sciences. 10th. To vote a tax on the district, not exceeding one hundred dollars in any one year, for a district library, consisting of such books as they may direct their district board, at a district meeting, to purchase, said books to be selected under the advice of the state superintendent of public instruction; *provided*, that any school district having less than two hundred children of school age shall not vote a tax on the district exceeding fifty dollars in any one year for such library. 11th. To authorize the district board to admit to the privileges of the school persons over twenty years of age, and persons not residing in the district, whenever such admission will not interfere with the accommodation or instruction of the scholars residing therein, and to fix a fee for tuition per term, quarter or year, to be charged to the person thus admitted. 12th. To determine the length of time a school shall be taught in their district the then ensuing year, which shall not be less than five months, and whether such school shall be taught by a male or female teacher, or both, and whether the school moneys to which the district is entitled from the income of the school fund and from the town, shall be applied to the support of the summer or winter school, or a certain portion to each; but if such matters shall not be determined at the annual meeting, the district board shall deter-

Penaly for neglect of clerk to certify amount to be raised.

Authority to sell school property.

To impose taxes for payment of debts.

For purchase of books, etc.

"For district library.

Proviso.

To authorize district board to admit non-resident pupils and those over 20 years of age.

To determine length of time school shall be taught whether by male or female teachers, and how school fund shall be applied.

To direct prosecutions or defense in actions

mine the same. 13th. To give such direction and make such provision as may be deemed necessary in relation to the prosecution or defense of any action or proceeding in which the district may be a party or may be interested. 14th. To alter, repeal and modify their proceedings as occasion may require.

To alter repeal or modify proceedings.

Construction of foregoing section.

SECTION 2. The foregoing section shall not be construed to authorize or require the district board of any school district to estimate and determine the amount necessary to maintain a school in their district where a special provision is made by law for the support of a public school or schools in such district.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved March 5, 1875.

CHAPTER 340.

[*Published March* 23, 1875.]

AN ACT to amend section 3, of chapter 85, of the general laws of 1867, entitled, "An act relating to the returns and canvass of votes, and amendatory of sections 58, 60 and 63, of chapter 7, of the revised statutes, entitled, "Of elections."

The people of the state of Wisconsin, represented in Senate and Assembly, do enact as follows:

Amended.

SECTION 1. Section three (3), of chapter eighty-five (85), of the general laws of 1867, entitled, "An act relating to the return and canvass of votes, and amendatory of sections fifty eight (58), sixty (60), and sixty-eight, of chapter seven (7), of the revised statutes, entitled, "of elections," is hereby amended so as to read as follows: Section 3. Section sixty-eight (68), of said chapter seven (7), is hereby amended by adding thereto the following: If from any town, ward or election district of the county there shall have been no returns received by Saturday, at 12 o'clock M, next after the election, the clerk may dispatch a special messenger to obtain such returns from the person having them in charge, and such person shall deliver to said messenger the returns required, which returns the messenger shall deliver to the clerk of the board of supervisors with all convenient dispatch. If in the canvass of votes any re-

When returns not received from election district, clerk to dispatch special messenger.

turns shall be found to be so informal or incomplete that the board cannot canvass them, they shall dispatch a messenger to the inspectors who made the returns, commanding them to complete the returns in the manner specified by law, and such corrected returns shall forthwith be returned to the canvassers for their further action, and for the reception of such returns the board may adjourn for a time not exceeding four days.

Informal returns to be returned to canvassers for correction.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 5, 1875.

CHAPTER 341.

[*Published March* 22, 1875.]

AN ACT to amend chapter 169, of the general laws of 1873, entitled, "an act to revise the charter of the city of Chippewa Falls."

The people of the state of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section 1, subdivision chapter 2, chapter 169, of the general laws of 1873, entitled, "An act to revise the charter of the city of Chippewa Falls," is hereby amended, by adding thereto, after the word "west," in the thirteenth line of said section, the words, "and the northwest quarter of the northeast quarter, and lots seven and eight, in section 5, town 28, north or range 8 west, and the southeast quarter, of section 32, in town 29, range 8 west."

Amended.

SECTION 2. Section 2, subdivision chapter 3, of said chapter 169, is hereby amended, so as to read as follows: The elective officers of said city shall be a mayor, a treasurer, one police justice for the city at large, three aldermen, two justices of the peace, and one constable for each ward. The mayor, treasurer and assessor shall be qualified voters and freeholders in the said city, and the ward officers shall be qualified voters and free holders in the ward for which they are elected. All other officers and agents including one assessor for the city at large, of said city, shall be appointed by the common council. All elective officers of said city, except justices of the peace and

Amended.

Terms of office.

police justices, shall, unless otherwise provided, hold their respective offices for one year, and until their successors are elected and qualified; *provided, however*, the common council shall have power for due cause, to expel any of their own number, and to remove from office any officer or agent under the city government, due notice being first given to the officer complained of. The justices of the peace shall hold their offices for two years and until their successors are elected and qualified. The mayor shall have power to suspend any officer or agent appointed by the common council, when complained of in writing, until the common council shall take up his case and dispose of it, and he shall have power to fill any vacancy thus created, for the time being.

Power of council to remove from office.

Powers of mayor to suspend from office and fill vacancies.

Amended.

SECTION 3. Section 3, subdivision chapter 3, of said chapter 169, is hereby amended, so as to read as follows: Whenever a vacancy shall occur in the offices of mayor, treasurer, alderman, police justice, or justice of the peace, such vacancy happening in any other office shall be filled by the common council. The person elected or appointed to fill any vacancy, shall hold his office and discharge the duties thereof for the unexpired term, and with the same rights, and subject to the same liabilities, as the person whose office he may be elected or appointed to fill.

Vacancies to be filled by common council.

Persons appointed to fill vacancy to serve for unexpired term.

Amended.

SECTION 4. Section 5, subdivision chapter 3, of said chapter 169, is hereby amended so as to read as follows: All persons entitled to vote for county or state officers, and who shall have resided in said city for one year, next immediately preceding the election, [and] for six months in the ward where they offer to vote, and who shall have paid their poll tax, as required by law, for the year next preceding the election, shall be entitled to vote for any officer entitled to be elected under this law, and to hold any office hereby created.

Qualification of electors.

Amended.

SECTION 5. Section 7, subdivision chapter 3 of said chapter 169, is hereby amended, by inserting after the word "election," where it occurs in the fourteenth line of said section, the words, "that you have paid your poll tax for the year next immediately preceding this election.

Payment of poll tax.

Amended.

SECTION 6. Section 6, subdivision chapter 4 of said chapter 169, is hereby amended by adding thereto, at the end of said section, the words: "That the said treasurer shall, on receipt of any city order, cause the the same to be cancelled by stamping the same, upon

Orders to be canceled.

the face thereof, with a cancellation stamp, to be provided by said city for that purpose."

SECTION 7. Subdivision 1st, of section 3 of subdivision chapter 5 of said chapter 169, is hereby amended so as to read as follows, viz: "1st. To license, regulate, suppress and prohibit the exhibition of common showmen, or shows of any kind, or the exhibition of caravans, circuses, or theatrical performances, billiard tables, bowling saloons, nine or ten pin alleys, and of stores, auction houses, groceries, taverns, victualing houses, and of all persons vending or dealing in spirituous, vinous or fermented liquors, and may prohibit and suppress the same; and may, for any violation of any of the conditions of such license, on complaints thereof, on oath, in writing, revoke such license; and to provide for the abatement and removal of all nuisances under the ordinances of said city, the laws of the state, or at common law; *provided*, that the license for so dealing in or vending spirituous, vinous or fermented liquors shall not be less than one hundred dollars, nor more than three hundred and fifty dollars. That all moneys derived from licenses granted under the provisions of this chapter, shall be paid into the city treasury, and become and be a general fund of said city, for the use of said city, subject only to the order of the common council. That all such licenses hereafter granted shall run from the first day of May in each year; *provided, however*, that when any such license may be applied for after that date, the same may be granted, to expire on the said first day of May of each year, on the applicant's paying pro rata therefor. But no license shall be granted for a longer term or period than one year.

Amended.

Power of common council to regulate shows, theaters, saloons, etc.

Licenses.

SECTION 8. Section 5, of subdivision chapter 6, of said chapter 169, is hereby amended, so as to read as follows: "Section 5. No account shall be allowed, by the common council, unless the same is itemized and verified by the owner thereof, or by some person in his behalf."

Amended.

Accounts to be itemized.

SECTION 9. Section 8, subdivision chapter 6, of said chapter 169, is hereby amended so as to read as follows: "Section 8. No action shall hereafter be maintained by any person or corporation, against said city, upon any account, claim or demand whatever, against said city, other than a city bond or city order, unless such person or corporation shall first have presented his or its claim to the common council of said city.

Amended.

Accounts to be presented before action can be commenced.

To direct prosecutions or defense in actions

mine the same. 13th. To give such direction and make such provision as may be deemed necessary in relation to the prosecution or defense of any action or proceeding in which the district may be a party or may be interested. 14th. To alter, repeal and modify their proceedings as occasion may require.

To alter repeal or modify proceedings.

Construction of foregoing section.

SECTION 2. The foregoing section shall not be construed to authorize or require the district board of any school district to estimate and determine the amount necessary to maintain a school in their district where a special provision is made by law for the support of a public school or schools in such district.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved March 5, 1875.

CHAPTER 340.

[*Published March* 23, 1875.]

AN ACT to amend section 3, of chapter 85, of the general laws of 1867, entitled, "An act relating to the returns and canvass of votes, and amendatory of sections 58, 60 and 63, of chapter 7, of the revised statutes, entitled, "Of elections."

The people of the state of Wisconsin, represented in Senate and Assembly, do enact as follows:

Amended.

SECTION 1. Section three (3), of chapter eighty-five (85), of the general laws of 1867, entitled, "An act relating to the return and canvass of votes, and amendatory of sections fifty eight (58), sixty (60), and sixty-eight, of chapter seven (7), of the revised statutes, entitled, "of elections," is hereby amended so as to read as follows: Section 3. Section sixty-eight (68), of said chapter seven (7), is hereby amended by adding thereto the following: If from any town, ward or election district of the county there shall have been no returns received by Saturday, at 12 o'clock M, next after the election, the clerk may dispatch a special messenger to obtain such returns from the person having them in charge, and such person shall deliver to said messenger the returns required, which returns the messenger shall deliver to the clerk of the board of supervisors with all convenient dispatch. If in the canvass of votes any re-

When returns not received from election district, clerk to dispatch special messenger.

CHAPTER 342.

[*Published March* 23, 1875.]

AN ACT to amend chapter 184, of the revised statutes, entitled, "Of inquests of the dead."

The people of the state of Wisconsin, represented in Senate and Assembly, do enact as follows:

Amended.

SECTION 1. Chapter one hundred and eighty-four (184), of the revised statutes, entitled, "Of inquests of the dead," is hereby amended by adding thereto the following sections: "Section fourteen (14). In each and every county in this state whose inhabitants exceed in number ten thousand, all the duties in the foregoing sections of this chapter required to be performed by justices of the peace shall be performed by the coroner of such county, and such coroner is hereby invested with all the powers of a justice of the peace in taking inquests by virtue of any of the provisions of this chapter, and shall have and exercise exclusive jurisdiction and power in taking such inquests in his county, except in case of inability to attend to such duties caused by his sickness or absence in which case the same may be performed by any justice of the peace of such county. Section fifteen (15.) Such coroner shall be paid quarterly out of the county treasury of the proper county for the performance of all his official duties, and in lieu of all other compensation a salary to be fixed by the board of supervisors of said county; and such coroner shall collect for all official services which he may perform (except in cases of inquests) such fees as he is now by law entitled to receive, and shall at the end of every three months under oath report and pay the same to the county treasurer of said county. Section sixteen (16). It shall be the duty of the board of supervisors of such county to provide for the use of such coroner a suitable office room at the county seat of the county; and it shall be the duty of such coroner to keep in his said office proper books containing records of all the inquests by him held, setting forth the time and place of holding such inquests, and the names of the jurors serving thereon, together with a brief statement of the proceedings thereof. Section seventeen (17). Before entering upon the duties of his office, every coroner who is by virtue of this chapter authorized and required to take inquests, shall

Powers and duties of coroners in counties exceeding ten thousand in population.

Salary of coroner.

To be provided with suitable office, and to keep proper records.

Owner to give bonds.

deliver to the proper officers of his county a bond subscribed by two or more sufficient sureties in such penal sum as the board of supervisors of said county may determine, conditioned for the faithful performance of all his official duties as set forth in this chapter, and that he faithfully account for and pay to the county treasurer of said county all moneys which may come to his hands belonging to said county, and which by virtue of this chapter he is required to account for and pay as aforesaid. Section eighteen (18). All acts in conflict with any of the foregoing provisions are hereby repealed.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 5, 1875.

CHAPTER 343.

[*Published March 23, 1875.*]

AN ACT to amend chapter 127, of the laws of 1874, entitled, "an act to incorporate the city of Menasha."

The people of the state of Wisconsin, represented in Senate and Assembly, do enact as follows:

Amended.

SECTION 1. Section one of chapter eleven of said chapter 127, is hereby amended by striking out the words, "one assessor for each ward," in the sixth and seventh lines, and inserting in place thereof, the words, "two assessors for the city at large."

Amended.

SECTION 2. Section two of chapter eleven of said chapter 127, is hereby amended by striking out the words, "and one assessor and one supervisor for each ward," in the third and fourth lines, and inserting in the place thereof, the words, "two assessors for the city at large, and one supervisor for each ward."

Amended.

SECTION 3. Section five of chapter seven, of said chapter 127, is hereby amended by striking out the words, "the mayor and aldermen," in the first line of said section, and inserting in place thereof the words, "the mayor, city clerk, two assessors and one person to be appointed by the common council before the first day of July in each year."

Appointment of officers.

Amended—

SECTION 4. Section 32, of chapter 13 of said chap-

ter 127, is hereby amended so as to read as follows: The compensation for assessors shall be two dollars per day, but in no case to exceed fifty dollars to each assessor.

Compensation of assessors.

SECTION 5. Section 41, of chapter 13, of said chapter 127, is hereby amended so as to read as follows: The aldermen of the several wards, together with one resident elector in each ward, to be appointed by the common council at each election, shall be the inspectors of election in their respective wards at all elections held under the provisions of this charter, and all general elections for state and county and United States officers.

Amended—Inspectors of election.

SECTION 6. Section 6, of chapter 10, of said chapter 127, is hereby amended so as to read as follows: One half of the net proceeds of all fines and penalties recovered and collected for the breach of any ordinance, by-law or regulation, made in pursuance of this chapter shall be paid by the city treasurer to the fire department, and the common council may also appropriate to members of the fire companies and hook and ladder company a sum not exceeding one thousand dollars for their services.

Amended.

One-half of fines and penalties to be paid to fire department.

SECTION 7. Section 4, of chapter 6, of said chapter 127, is hereby amended by striking out the word "twenty," in the third line of said section, and inserting in place thereof the word "ninety."

Amended.

SECTION 8. Chapter 6 of said chapter is hereby amended by adding thereto the following sections, which shall stand as sections 14, 15, 16, in said chapter 6, of said chapter 127: Section 14. The mayor and clerk shall, on or before the 25th day of March in each year, examine, audit and adjust the accounts of the treasurer and other officers of said city, and report the result of such examination to the common council for final adjustment; and no financial business shall be transacted after the said 25th day of March in each year, by the common council. Section 15. The city clerk shall, in the month of March in each year, make out a detailed statement of the receipts and expenditures of the city and the financial condition of the city, and have the same published in some newspaper published in said city. Section 16. While the bonded indebtedness of said city exceeds five per cent. of the assessed valuation of all the taxable property of said city, no further bonded indebtedness shall be incurred, nor at any time thereafter shall the bonded or interest bearing

Settlement of accounts of officers.

Statement of finances of city to be published

Limit of bonded indebtedness.

deliver to the proper officers of his county a bond subscribed by two or more sufficient sureties in such penal sum as the board of supervisors of said county may determine, conditioned for the faithful performance of all his official duties as set forth in this chapter, and that he faithfully account for and pay to the county treasurer of said county all moneys which may come to his hands belonging to said county, and which by virtue of this chapter he is required to account for and pay as aforesaid. Section eighteen (18). All acts in conflict with any of the foregoing provisions are hereby repealed.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 5, 1875.

CHAPTER 343.

[*Published March 23, 1875.*]

AN ACT to amend chapter 127, of the laws of 1874, entitled, "an act to incorporate the city of Menasha."

The people of the state of Wisconsin, represented in Senate and Assembly, do enact as follows:

Amended.

SECTION 1. Section one of chapter eleven of said chapter 127, is hereby amended by striking out the words, "one assessor for each ward," in the sixth and seventh lines, and inserting in place thereof, the words, "two assessors for the city at large."

Amended.

SECTION 2. Section two of chapter eleven of said chapter 127, is hereby amended by striking out the words, "and one assessor and one supervisor for each ward," in the third and fourth lines, and inserting in the place thereof, the words, "two assessors for the city at large, and one supervisor for each ward."

Amended.

SECTION 3. Section five of chapter seven, of said chapter 127, is hereby amended by striking out the words, "the mayor and aldermen," in the first line of said section, and inserting in place thereof the words, "the mayor, city clerk, two assessors and one person to be appointed by the common council before the first day of July in each year."

Appointment of officers.

Amended—

SECTION 4. Section 32, of chapter 13 of said chap-

ter 127, is hereby amended so as to read as follows: The compensation for assessors shall be two dollars per day, but in no case to exceed fifty dollars to each assessor.

Compensation of assessors.

SECTION 5. Section 41, of chapter 13, of said chapter 127, is hereby amended so as to read as follows: The aldermen of the several wards, together with one resident elector in each ward, to be appointed by the common council at each election, shall be the inspectors of election in their respective wards at all elections held under the provisions of this charter, and all general elections for state and county and United States officers.

Amended—Inspectors of election.

SECTION 6. Section 6, of chapter 10, of said chapter 127, is hereby amended so as to read as follows: One half of the net proceeds of all fines and penalties recovered and collected for the breach of any ordinance, by-law or regulation, made in pursuance of this chapter shall be paid by the city treasurer to the fire department, and the common council may also appropriate to members of the fire companies and hook and ladder company a sum not exceeding one thousand dollars for their services.

Amended.

One-half of fines and penalties to be paid to fire department.

SECTION 7. Section 4, of chapter 6, of said chapter 127, is hereby amended by striking out the word "twenty," in the third line of said section, and inserting in place thereof the word "ninety."

Amended.

SECTION 8. Chapter 6 of said chapter is hereby amended by adding thereto the following sections, which shall stand as sections 14, 15, 16, in said chapter 6, of said chapter 127: Section 14. The mayor and clerk shall, on or before the 25th day of March in each year, examine, audit and adjust the accounts of the treasurer and other officers of said city, and report the result of such examination to the common council for final adjustment; and no financial business shall be transacted after the said 25th day of March in each year, by the common council. Section 15. The city clerk shall, in the month of March in each year, make out a detailed statement of the receipts and expenditures of the city and the financial condition of the city, and have the same published in some newspaper published in said city. Section 16. While the bonded indebtedness of said city exceeds five per cent. of the assessed valuation of all the taxable property of said city, no further bonded indebtedness shall be incurred, nor at any time thereafter shall the bonded or interest bearing

Settlement of accounts of officers.

Statement of finances of city to be published

Limit of bonded indebtedness.

indebtedness exceed five per cent. of the assessed valuation of all the taxable property of said city.

Amended.

SECTION 9. Section 11, of chapter 6, of said chapter 127, is hereby amended so as to read as follows: No money shall be appropriated or drawn out of the city treasury, except in payment of accounts and demands allowed by the common council, and no interest shall be allowed or paid on any city order or certificate, except as hereinafter provided in this section. Whenever it may be necessary to borrow money for the use of said city, or to purchase or take up any bonded indebtedness of said city or which said city may be liable to pay the whole or any part of (except old village bonded indebtedness), before the same shall become due, the common council shall first, by a vote of a majority of all the members thereof, pass a resolution for that purpose, specifying the amount necessary to be so borrowed, or to purchase or take up any of said bonded indebtedness; and such resolution shall then be submitted to a vote of the qualified electors of said city, at an election to be called by the common council for that purpose, by publishing a notice, subscribed by the mayor and clerk of said city, in some newspayer published in said city, at least ten days before the time of holding such election, stating the time and place of holding such election, and the resolution to be acted upon, and in case no newspaper shall be published in said city, then by posting certified copies of such notice in three of the most public and conspicuous places in each ward at least ten days before the time of holding such election. The vote at such election shall be by ballot, and shall be "For the resolution" or "Against the resolution," and if a majority of all the votes cast shall be in favor of such resolution, then the same shall be deemed passed so as to authorize the said city to borrow money, or to purchase or take up any bonded indebtedness of said city, or which said city may be liable to pay before the same shall become due, as stated in the resolution. And no money shall be borrowed by said city, nor any bonded indebtedness of said city, or which said city may be liable to pay (except old village bonded indebtedness), shall be purchased or taken up in any other manner before the same shall become due. And no certificate of appropriation bearing interest, or other interest bearing evidence of indebtedness against said city shall be issued or paid except in conformity to

Appropriations and interest.

When loans to be made, question to be submitted to voters.

Notice of election to be given

Indebtedness not to be paid until due.

the foregoing provisions; but when the city shall be duly authorized, as provided in this section, to borrow money or purchase or take up any such bonded indebtedness of said city, or which said city may be liable to pay, the common council of said city may direct the mayor and clerk to issue certificates of appropriation or interest-bearing orders therefor, payable at such time or times as the common council may determine, and bearing such rate of interest as the common council may direct, not exceeding ten per cent. per annum, and when issued in conformity to the provisions of this section, the same shall be valid, and such interest may be allowed and paid thereon; *provided*, that nothing in this act contained shall be taken or construed so as to interfere with or prevent the payment by said city of interest coupons on the bonds legally issued by the town of Menasha, or said bonds, when they mature, to the extent of three-fourths of the amount thereof, or in any way to change or interfere with the provisions of section five of chapter thirteen of the act of which this is amendatory, defining the liability of the said city and of said town, in respect of said bonds and coupons, and the indebtedness created thereby; but all and singular the provisions of said section are hereby re-affirmed.

Council may issue interest bearing certificates.

Proviso.

SECTION 10. Section 12, of chapter 13, of said chapter 127, is hereby amended by adding to the end thereof the following: *And further provided*, that before the said city of Menasha shall purchase or take up any of the aforesaid bonded indebtedness, before the same shall become due, such question shall first be submitted to a vote of the qualified electors of said city, as provided in section 11, of chapter 6, of said chapter 127, as amended by this act, and shall have received a majority of all the votes cast at such election.

Amended.

Question of taking up bonded indebtedness to be submitted to voters.

SECTION 11. Section 8, of chapter 8, of said chapter 127, is hereby amended by striking out the first ten lines of said section, and the words "out the city limits, in the eleventh line of said section, and inserting in the place thereof the following: There may be levied annually, by the common council, upon the taxable property of said city, a road tax, not exceeding one-half of one per cent. of the assessed valuation of the taxable property of said city, which shall be included in the same assessment, and collected by the city treasurer at the same time and in the same

Amended.

Levy of road tax.

manner as other taxes are collected, and which may be expended in opening, improving or repairing any street, road or highway, at such place or places, either within or without the city limits, as the common council may deem most conducive to the general good.

Repeal of conflicting acts.

SECTION 12. Anything contained in said chapter 127, of the laws of 1874, conflicting with the foregoing amendments, are hereby repealed.

SECTION 13. This act shall take effect and be in force from and after its passage.

Approved March 5, 1875.

CHAPTER 344.

[*Published March* 15, 1875.]

AN ACT to amend chapter 184, of the Revised Statutes, entitled "Of Inquests of the Dead."

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Amended.

SECTION 1. Chapter one hundred and eighty-four (184) of the Revised Statutes, entitled, "Of Inquests of Dead," is hereby amended by adding thereto the following section: Section 14. In each and every county in this state whose inhabitants exceed in number ninety-five thousand, all the duties in the foregoing sections of this chapter required to be performed by justices of the peace, shall be performed by the coroner of such county, and such coroner is hereby invested with all the powers of a justice of the peace in taking inquests by virtue of any of the provisions of this chapter, and shall have and exercise exclusive jurisdiction and power in taking such inquest in this county, except in case of inability to attend to such duties, caused by his sickness or absence, in which case the same may be performed by any justice of the peace of such county. Section 15. Such coroner shall be paid quarterly out of the county treasury of the proper county, for the performance of all his official duties, and in lieu of all other compensation, a salary to be fixed by the board of supervisors of said county, and such coroner shall collect for all official services which he may perform (except in cases of inquest) such

Powers and duties of coroners of counties exceeding ninety-five thousand in population.

Salary of coroner.

the foregoing provisions; but when the city shall be duly authorized, as provided in this section, to borrow money or purchase or take up any such bonded indebtedness of said city, or which said city may be liable to pay, the common council of said city may direct the mayor and clerk to issue certificates of appropriation or interest-bearing orders therefor, payable at such time or times as the common council may determine, and bearing such rate of interest as the common council may direct, not exceeding ten per cent. per annum, and when issued in conformity to the provisions of this section. the same shall be valid, and such interest may be allowed and paid thereon; *provided*, that nothing in this act contained shall be taken or construed so as to interfere with or prevent the payment by said city of interest coupons on the bonds legally issued by the town of Menasha, or said bonds, when they mature, to the extent of three-fourths of the amount thereof, or in any way to change or interfere with the provisions of section five of chapter thirteen of the act of which this is amendatory, defining the liability of the said city and of said town, in respect of said bonds and coupons, and the indebtedness created thereby; but all and singular the provisions of said section are hereby re-affirmed.

Council may issue interest bearing certificates.

Proviso.

SECTION 10. Section 12, of chapter 13, of said chapter 127, is hereby amended by adding to the end thereof the following: *And further provided*, that before the said city of Menasha shall purchase or take up any of the aforesaid bonded indebtedness, before the same shall become due, such question shall first be submitted to a vote of the qualified electors of said city, as provided in section 11, of chapter 6, of said chapter 127, as amended by this act, and shall have received a majority of all the votes cast at such election.

Amended.

Question of taking up bonded indebtedness to be submitted to voters.

SECTION 11. Section 8, of chapter 8, of said chapter 127, is hereby amended by striking out the first ten lines of said section, and the words "out the city limits, in the eleventh line of said section, and inserting in the place thereof the following: There may be levied annually, by the common council, upon the taxable property of said city, a road tax, not exceeding one-half of one per cent. of the assessed valuation of the taxable property of said city, which shall be included in the same assessment, and collected by the city treasurer at the same time and in the same

Amended.

Levy of road tax.

Joint Resolutions.

No. 1.

JOINT RESOLUTION for printing the report of the Fish Commissioner.

Resolved by the Assembly, the Senate concurring, That there be printed for the use of the Legislature, the same number as in case of other reports, of the report of the Fish Commissioner, which has been transmitted to the Legislature by the Governor.

Approved January 30, 1875.

No. 2.

JOINT RESOLUTION asking Congress to straighten line of land grant road between Portage City and Stevens Point.

WHEREAS, The people of the state of Wisconsin, represented in Senate and Assembly, have passed an act to change the line of the land grant road between Portage City and Lake Superior, provided for by the act of Congress, approved June 3, 1865, and the laws of the state of Wisconsin, accepting the grant, and agreeing to execute the trust, so as to allow the said road to be built between the city of Portage and Stevens Point on the most direct feasible route; therefore,

Resolved by the Senate, the Assembly concurring, That our Senators and Representatives in Congress are hereby requested to secure the passage by Congress, at the earliest practicable moment, of a joint resolution or law giving its assent to said change of route.

Approved February 12, 1875.

No. 3.

JOINT RESOLUTION requesting an extension of time for the construction of the railroad from Lake St. Croix to Superior and Bayfield.

WHEREAS, Congress, by an act approved June 3, 1856, made to the

state of Wisconsin a grant of lands to aid in the construction of a railroad from Madison or Columbus by way of Portage City, to the Lake or River St. Croix, and from thence to the west end of Lake Superior and Bayfield, which grant was accepted by said state; and

WHEREAS, The said state, prior to 1864, secured the construction of a portion of said road and made provisions for the construction of the remainder; and

WHEREAS, Congress, by act approved May 5, 1864, made to said state an additional grant of four sections of land per mile, to aid in the construction of the portion of said road from Tomah to Lake Superior, which additional grant was also duly accepted; and

WHEREAS, The time for the construction of the portion of the road between Tomah and Lake St. Croix, was in 1868 extended by resolution of Congress to May 5, 1872, which portion of said road was completed within said extended time, making at least two-thirds of the entire road in aid of which said grant was made; and

WHEREAS, The state made strenuous efforts to secure the completion of the portion of said road between Lake St. Croix and Lake Superior before the expiration of the time limited by Congress, to-wit: May 5, 1869, but without success; and

WHEREAS, After the decision of Associate Justice Miller, and Circuit Judge Dillon, that notwithstanding the failure to complete said road within the time limited, the legal title to said lands remained in the state of Wisconsin, and could not be divested save by act of Congress, or judicial proceedings in behalf of the United States, the state of Wisconsin, in the full faith that the Federal Government would not seek the divesture of the title to the remaining portion of the grant after the state had so far in good faith executed the trust, conferred the grant upon railway companies under heavy bonds to complete the road if the time was extended by Congress, under which legislation of the state over forty miles of said road have been constructed; and

WHEREAS, The Supreme Court of the United States has recently affirmed the decision of Judges Miller and Dillon, holding the legal title to said lands to be in the state of Wisconsin, subject to divesture only by legislative action or judicial proceedings; and

WHEREAS, It would be repugnant to every principle of justice for the Federal Government to take away either by act of Congress or otherwise, the legal title to these lands, thereby denying to the state the opportunity to complete the execution of her trust, and to secure the construction of the remainder of this road, needed for manifold reasons; and

WHEREAS, Justice to the thousands of settlers who have paid the United States double the minimum price for the even numbered sections within said grant, because of the anticipated construction of said railroad, imperatively demands the completion thereof; and

WHEREAS, It is deemed by the Legislature of Wisconsin absolutely essential to the commercial interests of this and several other

states, that this road should be speedily completed, affording thereby a great through competing line to the lake, promoting the cause of cheap transportation; and

WHEREAS, It is obviously impossible for the railway companies selected by the state to complete this road, to negotiate their securities based upon a land grant which might be revoked by legislative action or perfected by judicial proceedings in behalf of the United States; and

WHEREAS, If a reasonable extension is granted, the State of Wisconsin pledges her faith to secure the completion of said road, which, when completed, is a post-road of the United States for the transportation of troops and property free of charge; now, therefore, be it

Resolved by the Assembly, the Senate concurring, That the House of Representatives is most earnestly requested to pass, at the present session, the Senate bill now pending in said House, extending the time for the completion of said road from Lake St. Croix to Superior and Bayfield.

Resolved, That the Senators and Representatives of this state be, and they are hereby requested to urge, and secure, if possible, the passage of said bill before the end of the present session.

Resolved, That the Governor is hereby requested to transmit immediately a copy hereof to the Speaker of the House of Representatives, with the request that it be laid before said House. Also, a copy to each of our Senators and Representatives in Congress.

Approved February 19, 1875.

No. 4.

JOINT RESOLUTION authorizing the trustees of the Wisconsin State Hospital for the Insane to convey depot-grounds to the Chicago and Northwestern Railway company.

Resolved by the Senate, the Assembly concurring, That in conveying to the Chicago and Northwestern Railway Company the right of way through the lands belonging to the Wisconsin State Hospital for the Insane as authorized by act of the Legislature, approved March 10, 1871, the trustees of said hospital be and they are hereby authorized to include in such conveyance all necessary and proper depot-grounds for the use of said company.

Approved March 4, 1875.

No. 5.

JOINT RESOLUTION.

Resolved by the Senate, the Assembly concurring, That section twenty-three, of article four, of the constitution of this state be amended so as to read as follows: Section 23. The Legislature shall establish but one system of town and county government, which shall be as nearly uniform as practicable, but may adopt a different rule in determining the number and manner of electing county supervisors in the different counties of the state.

Approved March 4, 1875.

No. 6.

JOINT RESOLUTION in relation to the Winnebago Indians.

Resolved by the Senate, the Assembly concurring, That we desire the Congress of the United States, to pass an act in reference tc the Winnebago Indians in the state of Wisconsin, similar to the act heretofore passed by Congress in relation to the Winnebago Indians residing in the state of Minnesota, except that all lands patented to such Indians be inalienable for a term of years, and with such restrictions as to their annuities as will best preserve the benefits of the same to the Indians, and that copies of the resolution be immediately forwarded by the Secretary of State, to each to each of the Senators and Representatives in Congress from this state for their immediate action.

Approved March 5, 1875.

No. 7.

JOINT RESOLUTION.

Resolved by the Senate, the Assembly concurring, That our Senators in Congress are hereby instructed and our Representative requested to oppose any legislation that authorizes the issue of free land script warrants or lands to the Winnebago Indians of this State, with power to transfer the same, until such Winnebago Indians shall have resided on said lands and cultivated the same the length of time now required of citizens of the United States under the homestead act.

Approved March 5, 1875.

Memorials.

No. 1.

MEMORIAL to Congress that the line of the Land Grant road between Portage City and Stevens Point be changed to most direct feasible route.

The Momorial of the Legislature of the State of Wisconsin respectfully represents:

That by an act of Congress entitled, "An act granting lands to aid in the construction of certain railroads in the state of Wisconsin," approved May 5, 1864, certain lands were granted to the state of Wisconsin for the purpose of aiding in the construction of a railroad from Portage City, Berlin, Doty's Island or Fon du Lac, as said state might determine, in a northwestern direction to Bayfield, and thence to Superior, on Lake Superior; that the Legislature of the State of Wisconsin, to provide for the execution of the trust imposed upon the state by the said act of Congress in respect to the lands thereby granted, fixed upon the city of Portage as the point of commencement, and provided that the road should be built *via* Ripon, in the county of Fond du Lac, and Berlin in the county of Green Lake. That the Congress of the United States by its joint resolution, approved 1866, consenting to the change of route of said railroad, and provided that it should be built on the line specified in the act of the Legislature. That the line so provided for is more than thirty miles out of a direct line between the points named; that the Wisconsin Central Railroad Company, upon which company the grant was conferred, has constructed about one hundred and forty miles of said road, between Stevens point and Ashland; that it finds itself embarrassed to procure means for building the circuitous route *via* Ripon, &c., and is desirous of straightening the line, and building the road in the manner authorized by the original act of Congress. And your memorialists would further represent, that the interests of the people of Wisconsin and of the railroad company would both be promoted in a great degree by authorizing the railroad company to build its road on the direct route between said city of Portage and Lake Superior, thereby saving more than thirty miles in the distance, and greatly decreasing the cost of transportation of the products of the mine and forest to a market south, and of the products of the farmers to a northern market.

Your memorialists, therefore, respectfully pray that the Congress of the United States, by resolution, or the proper act, to be speedily passed, may give its assent to changing the line of said road between the city of Portage and Lake Superior, so that it may be built on a shorter and more feasible route, and in the manner authorized by the original act of Congress, and upon such terms and under such restrictions as are imposed, or may be imposed by the Legislature, not inconsistent with the act of Congress in making the grant for such road.

Approved February 12, 1875.

No. 2.

MEMORIAL to Congress relating to the Improvement of Kewaunee Harbor, Wisconsin.

To the honorable, the Senate and House of Representatives of the United States of America, in Congress assembled;

The Memorial of the Legislature of the State of Wisconsin respectfully represents:

That the Kewaunee River, in the state of Wisconsin, which empties into Lake Michigan at a point one hundred and seven miles north of Milwaukee, and thirty-two miles east of Green Bay, is the only navigable stream on the west shore of the lake for the improvement of which at its outlet the general government has made no appropriation. The river rises in Brown county, and flows in a general southeasterly direction through Kewaunee county, draining a large and fertile section of country, which is steadily increasing in population and importance. For six miles above its mouth the river has a width of two hundred and fifty, to four hundred feet, and an average depth of ten to twelve feet; the distance from the shore out upon the lake to fourteen feet of water is only eight hundred and fifty feet; there is no rocky or other serious obstruction which would interfere with a cut from the river to the lake, or with navigation in the vicinity outside, and a safe and commodious harbor, affording ample accommodation for the largest class of lake shipping, could be constructed at this point at a comparatively small expense. For a more detailed statement of these facts, reference is made to the official reports of Major D. C. Houston, U. S. engineer, and Mr. John Pierpont, assistant engineer, commencing on page 71, of Appendix "B," of the Annual Reports of the Chief of Engineers for 1873.

The county of Kewaunee contains a population of about 14,000, and the village of Kewaunee, situated at the mouth of Kewaunee River, has a population of about 1,300. The shipments from the

port of Kewaunee for ten years last past has exceeded in value $2,200,000, consisting mainly of lumber and timber products, and during the season of 1874 one hundred and thirteen steamers and two hundred and forty-six sailing-vessels arrived and cleared. The soil throughout the region which would find a commercial outlet at Kewaunee is fertile, and especially adapted to grain growing; abounds with an excellent article of ship-timber, and timber suitable for manufacturing of various kinds; and building stone is obtainable almost without limit. The improvement of the natural outlet of the river will be not only of vast advantage to the locality immediately adjacent to the work, but will materially promote the development and add to the prosperity of a large and important section of the state.

The construction of a harbor at Kewaunee would afford additional and much needed security for the shipping plying along the west shore of the lake. The nearest harbors are Ahnapee, north, twelve miles, and Two Rivers, south, twenty-six miles, both in course of construction.

In consideration of the additional safeguard this work would furnish to our lake commerce, and of its importance as an agency for developing the resources and promoting the interests of a very considerable portion of the state, your memorialist respectfully asks that your honorable body make an appropriation sufficient to commence the construction of said harbor at Kewaunee.

The Governor is hereby requested to transmit a duly authenticated copy of this memorial to each of the Senators and Representatives in Congress from the state of Wisconsin.

Approved February 12, 1875.

No. 3.

MEMORIAL to Congress for the improvement of lake and river navigation and for the free navigation of Canadian waters to the ocean for commercial purposes

To the honorable, the Senate and House of Representatives of the United States of America, in Congress assembled:

The Memorial of the Legislature of the State of Wisconsin respectfully represents:

1. That the agricultural, commercial, manufacturing, and mining interests of the state of Wisconsin, and of the northwestern states need, and must have cheaper transportation and greater facilities for trade and commerce with the outside world.

2. To obtain this, your memorialists ask that some arrangement be made for the free navigation of Canadian waters for the purposes of commerce, and that our lake navigation be so improved by deep-

ening flats, and cutting canals, that vessels of large tonnage can load at our lake ports and (without breaking bulk) pass directly out on to the Atlantic Ocean, free to seek any port in the civilized world. This will practically bring the Atlantic Ocean to the western shores of the great lakes.

3. Your memorialists also ask for the speedy completion of the Fox and Wisconsin River Improvement, thereby connecting our lake navigation with the Mississippi River.

4. Your memorialists would further ask that vigorous measures be at once adopted for the improvement of the mouth and rapids of the Mississippi River, and that such measures, when adopted, may be pushed forward with all possible dispatch to an early completion, so that the vast resources of the Mississippi valley may be opened to the commerce of the world.

5. Your memorialists would respectfully represent that these improvements are absolutely necessary for the development of the unparalleled resources of the northwestern states, and of the Mississippi valley, and are of great national importance. In conclusion, your memorialists would call attention to the vast extent of country that would be directly benefited by these improvements; its great fertility of soil; its mineral and manufacturing resources, and its wonderful ability to produce the staple articles of commerce.

The Governor of the state is hereby requested to transmit a copy of this memorial to each of the Senators and Representatives in Congress from this state.

Approved February 17, 1875,

No 4.

MEMORIAL to Congress to authorize the States of Wisconsin, Iowa and Minnesota to cede to each other, mutually, concurrent criminal jurisdiction over the islands in the Mississippi River lying between them.

To the honorable, the Senate and House of Representatives of the United States, in Congress assembled:

The Memorial of the Legislature of the State of Wisconsin respectfully represents to your honorable bodies:

The act of Congress of August 6th, 1846, entitled "An act to enable the people of Wisconsin Territory to form a constitution and state government," Revised Statutes of 1858, page 1081, by its 3d section provides "that the said state of Wisconsin shall have concurrent jurisdiction on the Mississippi River, and all other rivers and waters bordering on the said state of Wisconsin, so far as the same shall form a common boundary to said state, and any other state or states, now or hereafter to be formed or bounded by the same."

There is a large number of islands situated in the Mississippi River, where the same form a common boundary between Wisconsin and the states of Iowa and Minnesota, dry and habitable during portions of the year, but subject to occassional overflows, and for that reason not likely ever to become permanent habitations for individuals or communities. All of these islands are exempt from the concurrent jurisdiction given in the act above cited. Some of them belong to Wisconsin, others to Iowa and Minnesota. In most cases, the shores of the Mississippi immediately opposite to and above and below these islands, are low and marshy, and these [there] are, usually, long stretches of swampy and overflowed land and often wide sloughs between the shores of the river proper and the high habitable land.

All these islands which are in the near vicinity of cities and villages on the Mississippi are resorts of thieves, prostitutes and outlaws of every description, and places of refuge for criminals fleeing from the bank. The officers of the jurisdiction within which the several islands lie,. make no effort to break them up, because they are not annoyed by them. The officers of the jurisdiction within which most of these offenses are committed, are powerless to follow and capture them without a requisition, and the delay of procuring one ensures the escape of the criminals.

In view of the facts above set forth, it is further respectfully represented to your honorable bodies, that it is necessary for the orderly administration of justice, and especially for the protection of travelers along and across the Mississippi, that the concurrent criminal jurisdiction granted by the act above cited, should be had and exercised in common by all states bordering on the Mississippi River, as to all islands in said river which are not permanently inhabited and used for agricultural or mechanical purposes.

Your memorialists, therefore, respectfully pray that an act authorizing the states of Wisconsin, Iowa, and Minnesota to cede each other mutually concurrent criminal jurisdiction over islands in the Mississippi River lying between said states, be passed at as early a day as possible.

Approved February 19, 1875.

No. 5.

MEMORIAL to Congress for a mail-route from the village of Loyal, in the county of Clark, to the village of Spencer, on the Wisconsin Central Railroad, in the county of Marathon.

The Memorial of the Legislature of the State of Wisconsin respectfully represents:

That the interest of a large number of the inhabitants and business men of the town of Loyal, in which the village of Loyal is sit-

uated, requires the establishment of a tri-weekly mail-route from the village of Spencer, on the Wisconsin Central Railway, in the county of Marathon.

Your memoralists would therefore respectfully ask that a mail-route be established, and that mail-service on the aforesaid route be ordered as soon as practicable.

Approved February 24, 1875.

No. 6.

MEMORIAL to Congress for a tri-weekly mail-route from St. Croix Falls to East Lincoln, via Bass Lake, Shiloh and French Settlement, Polk county.

The Memorial of the Legislature of the State of Wisconsin respectfully represents:

That better mail facilities are needed to accommodate the business men and inhabitants in Polk county, Wisconsin, and an increase of mail-service is asked, to wit: That a tri-weekly service be established between St. Croix Falls and East Lincoln, Polk county, Wisconsin, by way of Bass Lake to Shiloh Post-office; thence to French Settlement, in center of section thirty-five (35), town thirty-four (34), range sixteen (16); thence to East Lincoln, Polk county Wisconsin. And your memorialists would respectfully ask that said mail-service be established as aforesaid at the earliest practicable period.

Approved February 24, 1875.

No. 7.

MEMORIAL to Congress for an increase of mail-service in Polk county, Wisconsin, from Osceola Mills, via El Salem, Sucker Lake, Lincoln Center, East Lincoln, Wagon Landing and Alden.

To the honorable, the Senate and House of Representatives, in Congress assembled:

The Memorial of the Legislature of the State of Wisconsin respectfully represents:

That the interests and convenience of the inhabitants of Polk county, Wisconsin, require an increase of mail-service in said county by the establishment of a mail-route commencing at Osceola Mills, thence to El Salem, thence to Sucker Lake, thence to Lin-

coln Center, thence to East Lincoln, thence to Little Falls, thence to Wagon Landing, thence to Alden, and from thence back to Osceola Mills, with service on said route three times a week.

And your memorialists would respectfully ask that the same be established at as early a day as possible.

Approved February 24, 1875.

No. 8.

MEMORIAL to Congress for the establishment of a daily mail-route between Marine Mills, Washington county, Minnesota, and St. Croix Falls, via. Farmington Center and Osceola Mills, Polk county, Wisconsin.

The Memorial of the Legislature of the State of Wisconsin respectfully represents:

That the interests of the people, and especially the business men of Washington county, Minnesota, and Polk county, Wisconsin, demand the establishment of a daily mail-route between Marine Mills, Washington county, Minnesota, and St. Croix Falls, Polk county, Wisconsin, via. Farmington Center and Osceola Mills, Polk county, Wisconsin; and your memorialists would respectfully ask that said mail-service be established as aforesaid at the earliest practicable period.

Approved February 24, 1875.

No. 9.

MEMORIAL to Congress relating to the improvement of the Fox and Wisconsin Rivers.

To the honorable, the Senate and House of Representatives of the United States, in Congress assembled:

The Memorial of the Legislature of the State of Wisconsin respectfully represents:

FIRST. That the industrial interests of this state as well as of the other northwestern states, imperatively demand such improvement of the Wisconsin River, in connection with the Fox, as will secure reliable navigation from the Mississippi to Lake Michigan, and your petitioners are alive to the importance of the early completion of such improvement.

SECOND. That this demand can only be met by securing a sure and reliable channel in the Wisconsin River, of sufficient depth to admit of profitable navigation at all seasons of the year, except when closed by ice. To accomplish this object three plans with estimates prepared for each, have been provided by the engineer in charge of the work, as follows:

First Plan.—All in river, using wing-dams and Long's scrapers, distance 118 miles; to secure a depth of three feet, low water navigation, $427,749.37. Improvements to be available the second year; the money all wanted the first year. Annually thereafter, $30,000.

Second Plan—To secure four feet depth for navigation at low water, twenty-seven miles in the river, ninety miles of canal, seventy feet wide at bottom, and eighty feet at top, twenty-four miles being in wider places of old river bed, locks 160 by 30 feet, total lock lift 188 feet. Sides of canal in cuts paved for use of steamboats—$3,206,790.95. In order to finish in third year, require $1,604,385.95 the first, the remainder the second year, and $50,000 annually thereafter.

Third Plan.—To secure five feet navigation at low water, all to be canal, 118 miles, canal seventy feet at bottom, eighty feet at top, locks 160 by 35. Total lock lift, 175 feet. Sides of canal in cuts paved to allow the use of steamboats, $4,164,270. In order to finish in third year will require $2,082,130 the first year, the remainder the second year, and $60,000 annually thereafter.

THIRD. That the first plan was adopted and has been pursued by the Government now for four seasons, at an expense of about three hundred thousand dollars, a very large portion of which was expended on that part of the work between Portage and Merrimac.

FOURTH. That the first plan of improvement has signally failed to accomplish the results desired, is the concurrent testimony of all practical navigators of this river, as it is powerless to control the ever varying and shifting sands, which form bars in the river and materially prevent the profitable navigation of this water-course. The dams themselves were neither effectual nor permanent, lasting not [to] exceed two years without extensive repairs. They fail to secure not only a permanent channel, but also a permanent depth to the channel at a given stage of water, the channel varying in position as well as in depth at a given point, without any appreciable rise or fall in the river. In addition to this, they increase the velocity of the current, which is naturally too swift, and thus render profitable navigation of the river impracticable.

FIFTH. That the first plan having thus practically failed to accomplish the results desired, your memorialists will respectfully ask that the second or third plan be adopted by the Government, and will urgently recommend the third plan, the adoption of which was also urged by Major-General Warren.

Approved February 27, 1875.

No. 10.

MEMORIAL to Congress relative to soldiers' interests.

To the honorable, the Senate and House of Representatives of the United States, in Congress, assembled:

The Memorial of the Legislature of the State of Wisconsin respectfully represents:

That the passage of the bill now before Congress, granting 160 acres of Government land to soldiers and sailors of the late war without regard to occupancy, and to equalize bounties, is just and fair and meets our hearty approval. And your memorialists would therefore respectfully request its immediate passage.

Resolved, That the Governor of the State of Wisconsin be, and he is hereby, requested to transmit the foregoing memorial to the two houses of Congress, and also to send a copy to each of the Representatives in Congress from this State.

Approved February 27, 1875.

No. 11.

MEMORIAL to Congress for an increase of mail-service from Moon Lake to Rice Lake, in Barron county, Wisconsin.

To the honorable, the Senate and House of Representatives, in Congress assembled:

The Memorial of the Legislature of the State of Wisconsin respectfully represents:

That the interest and convenience of the inhabitants of Barron county, Wisconsin, require an increase of mail-service in said county by the establishment of a mail-route from Moon Lake to Rice Lake, with daily service on said route.

And your memorialists would respectfully ask the same to be established at as early a day as possible.

Approved March 4, 1875.

No. 12.

MEMORIAL to Congress to give bounties to the surviving soldiers who served in Black Hawk war.

To the honorable, the Senate and House of Representatives, in Congress assembled:

The Memorial of the Legislature of the State of Wisconsin, respectfully represents to your Honorable bodies:

That the surviving soldiers of the Black Hawk war, by reason of advancing years and bodily infirmities, are many of them in indigent circumstances, and that the country has already manifested its sense of gratitude to its soldiers in other wars by bounties and otherwise.

Your memorialists therefore pray that your honorable body will grant, without favor or discrimination, to all those who served in that war for sixty days, and were honorably discharged, the sum of eight dollars per month for and during their natural lives.

Approved March 4, 1875.

STATE OF WISCONSIN, }
SECRETARY'S OFFICE, } ss.

The Secretary of State, of the State of Wisconsin, does hereby certify that the laws, joint resolutions, and memorials published in this book have been compared with the originals deposited in this office, and that they appear to be correctly printed.

In testimony whereof, I have hereunto set my hand and affixed the great seal of the State, at the Capitol, in Madison, this eighth day of May, A. D. 1875. [L. S.]

PETER DOYLE,
Secretary of State.

STATEMENT

SHOWING THE

TIMES AND PLACES FOR HOLDING CIRCUIT COURTS

IN THE

SEVERAL COUNTIES OF THIS STATE.

Prepared by the Secretary of State in accordance with Chapter 145, *G. L. of* 1869.

Counties.	Terms.	Where held.	Laws.
	FIRST CIRCUIT.		
Walworth.....	3d Monday in September .... 3d Monday in February ..... 2d Monday in June	Elkhorn	Ch. 18, G. L. 1869.
Racine.....	2d Monday in October..... 2d Monday in March..... 3d Monday in June	Racine	Ch. 18, G. L. 1869.
Kenosha	Wednesday after 1st Monday in November ..... Wednesday after 1st Monday in April..... 2d Monday in August	Kenosha.....	Ch. 18, G. L. 1869.
	SECOND CIRCUIT.*		
Milwaukee	1st Monday in February ..... 2d Monday in March..... 2d Monday in May..... 1st Monday in June ..... 1st Monday in September .... 1st Monday in November .... 1st Monday in December.....	Milwaukee	Ch. 291, L. 1875.
Waukesha.....	3d Monday in March..... 1st Monday in December .... 2d Monday in June, [Law Term].....	Waukesha	Ch. 248, P. & L. 1866.

*Section 1 of chapter 106, general laws of 1872, provides that the general terms in each of the counties in this circuit be special terms for the whole circuit.

Counties.	Terms.	Where held.	Laws.
	THIRD CIRCUIT.		
Marquette.....	Tuesday next after first Monday in January..... Tuesday next after last Monday in May.....	Montello.....	Ch. 24, G. L. 1871.
Green Lake....	2d Monday in January..... 1st Monday in June.....	Dartford.....	Ch. 24, G. L. 1871.
Dodge.....	2d Monday in October..... 4th Monday in February.....	Juneau.....	Ch. 24, G. L. 1871 & Ch. 22, G.L. '72.
Washington....	3d Monday in March..... 2d Monday in November....	West Bend.....	Ch. 24, G. L. 1871.
Ozaukee.....	Tuesday after 4th Monday of January..... Tuesday next after 3d Monday in June.....	Port Washington..	Ch. 24, G. L. 1871.
Winnebago.....	Tuesday next after 2d Monday of April..... Tuesday next after 4th Monday of November.....	Oshkosh.....	Ch. 233, L. 1873.
	FOURTH CIRCUIT.		
Sheboygan.....	3d Monday in February..... 4th Monday in May..... 4th Monday in November....	Sheboygan.....	Ch. 119, L. 1874.
Calumet.....	2d Monday in June..... 2d Monday in November....	Chilton.....	Ch. 119, L. 1874.
Manitowoc.....	3d Tuesday in June..... 2d Tuesday in December....	Manitowoc.....	Ch. 119, L. 1874.
Kewaunee.....	1st Monday in February..... 2d Monday in July.....	Kewaunee.....	Ch. 119, L. 1874.
Fond du Lac....	1st Monday in January..... 4th Monday in April..... 1st Monday in October..... Special term, 1st Monday in July.....	Fond du Lac.....	Ch. 119, L. 1874.
	FIFTH CIRCUIT.		
Grant.....	1st Tuesday in March..... 2d Tuesday in September....	Lancaster.....	Ch. 72, G. L. 1872.
Iowa.....	4th Tuesday in March..... 1st Tuesday in October.....	Dodgeville.....	Ch. 72, G. L. 1872.
La Fayette.....	4th Tuesday in June..... 1st Tuesday in December....	Darlington.....	Ch. 72, G. L. 1872

Counties.	Terms.	Where held.	Laws.
	FIFTH CIRCUIT—Cont'd.		
Richland.....	2d Tuesday in April..... 4th Tuesday in October.....	Richland Center ..	Ch. 72, G. L. 1872.
Crawford.....	4th Tuesday in May..... 2d Tuesday in November	Prairie du Chien..	Ch. 72, G. L. 1872.
	SIXTH CIRCUIT.		
Clark.....	4th Tuesday in February..... 1st Tuesday in September....	Neillsville	Ch. 1, G. L. 1873.
Jackson.....	2d Tuesday in March ..... 2d Tuesday in September....	Black River Falls.	Ch. 9, G. L. 1871.
Monroe	4th Tuesday in March..... 4th Tuesday in September ...	Sparta	Ch. 9, G. L. 1871.
La Crosse	2d Tuesday in May ..... 2d Tuesday in November	La Crosse.....	Ch. 9, G. L. 1871.
Vernon	2d Tuesday in June ..... 1st Tuesday after the 2d Monday in December.....	Viroqua	Ch. 9, G. L. 1871.
Buffalo.....	1st Tuesday in May ..... 4th Tuesday in October.....	Alma.....	Ch. 9, G. L. 1871.
Trempealeau....	3d Tuesday in April..... 2d Tuesday in October.....	Galesville.....	Ch. 9, G. L. 1871.
	SEVENTH CIRCUIT.		
Marathon.....	2d Monday in April..... 3d Monday in September.....	Wausau.....	Ch. 187, G. L. 1872, & Ch. 127, L. 1873.
Portage	1st Monday in March..... Last Monday in August.....	Stevens Point.....	Ch. 200, L. 1874.
Waushara	4th Monday in March ..... 2d Monday in September,....	Wautoma.....	Ch. 41, G. L. 1870.
Waupaca.....	4th Monday in May..... 2d Monday in December.....	Waupaca.....	Ch. 133, G. L. 1871.
Adams.....	3d Monday in March..... 3d Monday in October.....	Friendship	Ch. 143, G. L. 1870.
Juneau*.....	1st Monday in May..... 2d Monday in October.....	Mauston.....	Ch. 133, G. L. 1871.
Lincoln	4th Monday in September....	Jenny.....	Ch. 60, 1875.
Taylor.....	4th Monday in April..... 2d Monday in November.....	Medford.....	Ch. 178, L. 1875.

*Ch. 30, G. L. 1871, provides that the general terms of the circuit court for the county of Juneau shall be held on the 2d Monday of October, and the 2d Monday in March in each year.

Counties.	Terms.	Where held.	Laws.
	SEVENTH CIRCUIT—Cont'd.		
Wood	2d Monday in February 2d Monday in August	Grand Rapids	Ch. 98, G. L. 1867.
	EIGHTH CIRCUIT.		
Chippewa	2d Monday in June 2d Monday in December	Chippewa Falls	Ch. 28, G. L. 1872.
Dunn	2d Monday in March 2d Monday in September	Menomonie	Ch. 120, L. 1874.
Barron	1st Monday in March 1st Monday in September	Barron	Ch. 87, 1874.
Eau Claire	4th Monday in March 4th Monday in September	Eau Claire	Ch. 34, G. L. 1868.
Pepin	3d Monday in April 3d Monday in October	Durand	Ch. 120, L. 1874.
Pierce	4th Monday in May 4th Monday in November	Ellsworth	Ch. 116, R. S.
St. Croix*	2d Monday in May 2d Monday in November	Hudson	Ch. 116, R. S.
	NINTH CIRCUIT.		
Columbia	3d Tuesday in May 2d Tuesday in December	Portage	Ch 46, Laws 1875.
Dane	Wednesday after 1st Monday in April Wednesday after 1st Monday in November Special term, 2d Tuesday in July	Madison	Ch. 9, G. L. 1869. Ch. 149, G. L. 1867.
Sauk	4th Monday in September 3d Monday in March	Baraboo	Ch. 10, G. L. 1872.
	TENTH CIRCUIT.†		
Outagamie	1st Monday in June 2d Monday in November	Appleton	Ch. 33, G. L. 1875.
Oconto	2d Monday in April 3d Monday in October	Oconto	Ch 33, Laws 1875.

*Chapter 254, laws of 1874, authorizes the circuit judge of the eighth judicial circuit, to alter the time for holding terms in the county of St. Croix, by publishing a notice of such change for sixty days before such order is to take effect.

†Every regular term in the counties of Brown, Outagamie and Oconto shall be a special term for the whole circuit.

Counties.	Terms.	Where held.	Laws.
	TENTH CIRCUIT—Cont'd.		
Shawano.....	1st Tuesday after the 4th Monday in June..... 1st Tuesday after 2d Monday in January.....	Shawano.....	Ch. 33, G. L. 1875.
Door.....	1st Tuesday after 3d Monday in February..... 1st Tuesday after 3d Monday in July.....	Sturgeon Bay.....	Ch. 33, Laws 1875.
Brown.....	1st Monday in March..... 1st Monday in September.... 2d Monday in December.... Special term for whole circuit, 4th Monday in Jan...	Green Bay.....	Ch. 33, Laws 1875.
	ELEVENTH CIRCUIT.		
Bayfield.....	1st Tuesday after 2d Monday in July..... 2d Monday in January.....	Bayfield.....	Ch. 3, G. L. 1871.
Ashland.....	1st Tuesday after 1st Monday in January..... 3d Monday in July.....	Ashland.....	Ch. 106, L. 1873.
Douglas.....	3d Monday in June..... 2d Monday in December.....	Superior City.....	Ch. 3, G. L. 1871.
Polk.....	2d Monday in March..... 4th Monday in September...	Osceola.....	Ch. 3, G. L. 1871.
Burnett.....	1st Monday in March..... 3d Monday in September....	Grantsburg.....	Ch. 6, G. L. 1872.
	TWELFTH CIRCUIT.		
Rock.....	4th Monday in April..... 4th Monday in January..... Wednesday next succeeding 1st Monday in November..	Janesville.....	Ch. 143, L. 1875.
Green.....	1st Tuesday in March..... 3d Tuesday in June..... 1st Tuesday in October.....	Monroe.....	Ch. 143, L. 1875.
Jefferson.....	1st Monday in February..... 2d Tuesday in June..... 1st Monday in September....	Jefferson.....	Ch. 143, L. 1875.

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